5833. By Mr. CAREW: Petition of a mass meeting of citizens of the city of New York, favoring the maintaining of the Republic of Ireland; to the Committee on Foreign Affairs.

5834. By Mr. CHALMERS: Petition of Toledo Circle Ladies G. A. R., urging favorable action on Morgan-Bursum pension bill; to the Committee on Invalid Pensions.

5835. By Mr. HAWLEY: Petition of sundry citizens of the State of Oregon, protesting against the passage of House bill 9753; to the Committee on the District of Columbia.

5836. By Mr. KISSEL: Petition of National Cloak & Suit Co., of New York City, N. Y., relating to the reappointment of William P. G. Harding to the Federal Reserve Board; to the Committee on Banking and Currency.

5837. Also, petition of New York Produce Exchange, New York City, N. Y., protesting against the passage of Stevenson bill; to the Committee on Agriculture.

5838. By Mr. LINEBERGER: Petition from 270 citizens of South Pasadena, Eagle Rock, San Bernardino, and Los Angeles, Calif., asking that protection and help may be extended to make Armenia a self-supporting and self-protecting nation; to the Committee on Foreign Affairs.

5839. Also, petition of citizens of St. Paul, Minn., favoring the Towner-Sterling bill (H. R. 7); to the Committee on Education.

5840. Also, petition of Los Angeles Presbytery of the United Presbyterian Church of Long Beach, Calif., indorsing House Joint Resolution 131, prohibiting polygamy and polygamous cohabitation in the United States; to the Committee on the Judiciary.

5841. Petition of Los Angeles Presbytery of the United Presbyterian churches at Long Beach, Calif., indorsing Senate Joint Resolution 31, proposing a constitutional amendment authorizing Congress to enact uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

5842. Also, petition of Los Angeles Presbytery of the United Presbyterian Church of Long Beach, Calif., indorsing House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5843. By Mr. YOUNG: Petition of 27 widows and dependents of Civil War veterans, of Velva, N. Dak., urging support of the Bursum-Morgan bill; to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *June 1, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. ROBINSON. Mr. President, I think we ought to have a quorum.

Mr. STERLING. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Gooding	New	Smoot
Borah	Hale	Newberry	Spencer
Brandegee	Harris	Norbeck	Sterling
Calder	Johnson	Oddie	Sutherland
Capper	Jones, N. Mex.	Page	Townsend
Caraway	Jones, Wash.	Pepper	Underwood
Culberson	Kellogg	Pittman	Wadsworth
Curtis	La Follette	Poindexter	Walsh, Mass.
Dial	Lenroot	Pomerene	Walsh, Mont.
du Pont	Lodge	Ransdell	Watson, Ga.
Edge	McCumber	Rawson	Watson, Ind.
Frelinghuysen	McNary	Robinson	Willis
Gerry	Myers	Sheppard	
Glass	Nelson	Simmons	

Mr. RANSDELL. I was requested to announce that the several Senators, whose names I shall state, are detained at a hearing before the Committee on Agriculture and Forestry: The Senator from Nebraska [Mr. NORRIS], the Senator from New Hampshire [Mr. KEYES], the Senator from North Dakota [Mr. LADD], the Senator from Illinois [Mr. MCKINLEY], the Senator from South Carolina [Mr. SMITH], the Senator from Wyoming [Mr. KENDRICK], and the Senator from Mississippi [Mr. HARRISON].

The VICE PRESIDENT. Fifty-four Senators have answered to their names. A quorum is present.

INVESTMENT AND PROFIT IN SOFT COAL INDUSTRY (S. DOC. 207).

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Federal Trade Commission, transmitting, pursuant to law, a preliminary report of the commission on investment and profit in soft coal mining covering the period 1916 to 1921, inclusive, which was referred to the Committee on Education and Labor and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. CAPPER presented a resolution adopted by the congregation of the Chelsea Congressional Church, at Kansas City, Kans., favoring the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

Mr. McLEAN presented a memorial of the Fairfield County Farm Bureau, of Danbury, Conn., remonstrating against the appropriation of public funds for the purpose of free seed distribution, which was referred to the Committee on Agriculture and Forestry.

He also presented telegrams in the nature of petitions from Anthony Safranik, chairman of employees of Frank Parizek, manufacturer of pearl buttons, of West Willington; Charles H. Ruha, chairman of employees of B. Schwanda & Sons, of Stafford Springs; Prichal Bros., manufacturers of ocean pearl shell, of Higganum; and Havlin & Pokorney, manufacturers of ocean pearl shells, of Higganum; all in the State of Connecticut, praying for the prompt passage of the pending tariff bill and stating they do not understand the reason for delay in the Senate, which were referred to the Committee on Finance.

He also presented letters in the nature of petitions from Rev. Richard D. Hatch, rector, and the congregation of Trinity Church, of Southport; Rev. Reginald R. Parker, of Hartford; Rev. Robert C. Whitehead, Stratford Congregational Church, of Stratford; Rev. W. S. Woolworth, of Chestnut Hill; and Rev. Herbert L. Wilber, of Jewett City; all in the State of Connecticut, praying that relief be granted the suffering peoples of Armenia, which were referred to the Committee on Foreign Relations.

Mr. TOWNSEND presented petitions numerously signed by sundry citizens in the State of Michigan, praying for the imposition in the pending tariff bill of only a moderate duty on kid gloves, which were referred to the Committee on Finance.

He also presented petitions of sundry citizens in the State of Michigan, praying for the imposition in the pending tariff bill of an adequate protective duty on agricultural products, particularly grains, cattle, sheep, hogs, and sugar, which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Memphis, Armada, Mount Clemens, Detroit, Swartz Creek, Clayton Township, and Bay City, all in the State of Michigan, praying for inclusion in the pending tariff bill of a duty of $2 per 100 pounds on Cuban sugar, and also adequate protection on farm products, which were referred to the Committee on Finance.

Mr. LADD presented a resolution adopted by the eleventh annual convention, North Dakota State Federation of Labor, at Bismarck, N. Dak., favoring payment of the so-called soldiers' bonus solely from funds derived from war and excess-profits taxes, which was referred to the Committee on Finance.

He also presented a resolution adopted by the pastors of the Episcopal, the Congregational, the First Lutheran, the Trinity Lutheran, and the Methodist Episcopal Churches of Williston, N. Dak., favoring the granting of relief to the suffering peoples of Armenia, which was referred to the Committee on Foreign Relations.

REPORT OF THE COMMITTEE ON BANKING AND CURRENCY.

Mr. McLEAN, from the Committee on Banking and Currency to which was referred the bill (S. 3633) to authorize the coinage of a 50-cent piece in commemoration of the one hundredth anniversary of the birth of the late President Rutherford Birchard Hayes at Delaware, in the State of Ohio, reported it with an amendment.

JOHN G. SESSIONS.

Mr. ROBINSON, from the Committee on Claims, to which was referred the bill (S. 3157) for the relief of John G. Sessions, reported it with an amendment and submitted a report (No. 730) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. RANSDELL:

A bill (S. 3665) providing additional funds to continue in effect the act providing for the care and treatment of persons afflicted with leprosy and to prevent the spread of leprosy in the United States; to the Committee on Appropriations.

By Mr. PEPPER:

A bill (S. 3666) granting a pension to Matilda A. Swift; to the Committee on Pensions.

A bill (S. 3667) for the relief of the estate of David B. Landis, deceased, and the estate of Jacob F. Sheaffer, deceased; to the Committee on Claims.

By Mr. WADSWORTH:

A bill (S. 3668) for the relief of Gertrude Lustig; to the Committee on Claims.

By Mr. EDGE:

A bill (S. 3669) for the advancement of certain retired officers of the United States Army; to the Committee on Military Affairs.

THE MUSCLE SHOALS PROJECT.

Mr. NORRIS. I ask unanimous consent to present an amendment to House bill 10871, being the War Department appropriation bill. I ask to have the amendment printed and lie on the table.

Mr. UNDERWOOD. I should like to ask the Senator from Nebraska to what his amendment relates?

Mr. NORRIS. It relates to the Muscle Shoals proposition.

Mr. UNDERWOOD. For curiosity I wanted to know; that was all.

Mr. NORRIS. I ought to state that in offering the amendment I do so under instructions from and by the authority of the Committee on Agriculture and Forestry. I think that ought to be shown in the RECORD.

The amendment was ordered to be printed and to lie on the table, as follows:

On page 132, after line 5, insert the following:

MUSCLE SHOALS.

For the continuation of the work on Dam No. 2 on the Tennessee River at Muscle Shoals, Ala., to be immediately available, $7,500,000.

AMENDMENT TO HOUSE RIVER AND HARBOR BILL.

Mr. ROBINSON submitted an amendment providing that the jurisdiction of the Mississippi River Commission be extended from St. Paul to the head of the passes, and to the tributaries and outlets of the Mississippi River in so far as they are affected by the flood waters of the Mississippi River, intended to be proposed by him to the bill (H. R. 10766) authorizing appropriations for the prosecution and maintenance of public works on canals, rivers, and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

RECLASSIFICATION OF GOVERNMENT EMPLOYEES.

Mr. STERLING. Mr. President, I hope to be allowed to proceed without interruption in the few remarks that I have to make. I desire to speak of certain phases of the reclassification problem. My remarks are made necessary, I think, by reason of certain articles which have appeared of late in the press.

In the Washington Star of May 29 appeared an article from which I read first the headlines:

Executive order on reclassifying expected July 1. President considers making it effective for 60,000 United States employees. All details completed. Appropriation awaited. Many becoming impatient over further delay as bonus issue comes up again.

I wish to say that the contents of the article are not quite so portentous as the headlines would lead us to believe, but they are bad enough. I desire to call attention to just a few quotations from the article:

President Harding is considering putting reclassification of the nearly 60,000 Federal employees in the District of Columbia into effect July 1 by Executive order. The reclassification schedules, necessary to fix up the pay rolls promptly on that date, have been actually prepared by the United States Bureau of Efficiency, in cooperation with the administrative officers in each of the Government establishments, in compliance with an Executive order of President Harding on October 24, 1921.

All that is necessary to establish the new salaries on July 1 is for Congress to appropriate the money necessary to pay them.

Then again:

Because the tariff bill has been occupying the center of the stage, and probably will continue to do so for several months, many Senators who are opposed to passing another bonus bill, and still more who are opposed to the Sterling-Lehlbach bill, are impatient over further delay, since it would junk all the work that has been done by the Bureau of Efficiency and would require the study to be made all over again by the Civil Service Commission. This would entail an additional appropriation for the employment of "experts" and take a year's time for another "investigation."

The Sterling-Lehlbach bill, carrying schedules for reclassification of the Government employees, passed the House six months ago and has been hanging fire in the Senate while debate drags on over the tariff.

Further on in the article it is said:

The real friends of the Government employees in both the House and the Senate are impatient over the proposed delay, even more than over the new appropriation that would be required. Because they believe that the short cut is to put through the reclassification schedules worked out by the Bureau of Efficiency and the administrative officers, pressure is being brought to bear on President Harding to issue an Executive order under which the army of Government workers would start the new fiscal year with a new statutory salary schedule carrying substantial increases.

Again the article states that—

The reclassification schedule promulgated by the Bureau of Efficiency under President Harding's Executive order of October 24, 1921, which is the same as the schedule in the bill introduced in the House and Senate, respectively, by Representative WILL R. WOOD of Indiana and Senator REED SMOOT, of Utah, can be put into effect July 1 without any further investigation or any further expense.

So, Mr. President, it would appear that under guise of an efficiency rating system the Bureau of Efficiency is to-day, at great expense to the Government, putting into the Federal departments a classification of positions that has not only not received the approval of Congress but in so far as it has been considered by Congress has been rejected. In the form of S. 1079 and H. R. 2021 it was before the Committees on Civil Service of the present Congress. These committees held hearings on this proposal and others that had been worked out and reached the conclusion that the Bureau of Efficiency plan as embodied in the two bills referred to was the inferior. The House committee favorably reported a bill drafted along radically different lines. The Representative from Indiana [Mr. WOOD], the House sponsor for the classification scheme of the Bureau of Efficiency, offered on the floor of the House to have that bureau's scheme substituted for the committee's bill as an amendment. The amendment was overwhelmingly rejected and House bill 8928, embodying the other plan, was passed.

The Senate Committee on Civil Service, to whom the House bill was referred, reported unanimously in favor of its passage with amendments. It went to the Appropriations Committee of the Senate under an agreement which limited the Appropriations Committee to a consideration only of the salary rates proposed. It has not yet been reported by that committee, although the bill was referred to the committee, Mr. President, when I reported it on behalf of the Committee on Civil Service to the Senate on February 6 last.

To go back somewhat further in the history of these measures and of the activities of the Bureau of Efficiency, this bureau on March 3, 1917, was directed by Congress in the legislative appropriation act to investigate the classification, salary, and efficiency of the employees of the departments and independent establishments and report fully or partially to Congress by January 1, 1918, as to needed equalizations or reclassification. It was further instructed to ascertain the rates of pay of various States and municipal governments and commercial institutions in different parts of the United States and to submit to Congress at its next regular session a report showing how such rates compare with the rates of pay of employees of the Federal Government performing similar services.

The Bureau of Efficiency became so busy demonstrating how the Bureau of War Risk Insurance should not be run and in other of its war-time activities that it failed to carry out the mandates of Congress regarding classification and salary standardization. On March 1, 1919, Congress established a Congressional Joint Commission on Reclassification of Salaries to take up this entire subject.

The joint commission started with the idea that the United States Bureau of Efficiency would be of great assistance, a laboratory, as it were, for the detailed work involved, and that its chief, Mr. Herbert D. Brown, would be its technical adviser, but it was not so to be; trouble arose. According to the view of the Bureau of Efficiency, the chief difficulty was that the reclassification commission wanted to give the employees an opportunity to prepare a statement of their duties to be considered in classifying the positions. The commission, it seems, wanted to work on the basis of a statement of facts agreed upon by the employee and his superior. The Bureau of Efficiency did not consider it necessary to have the employees in on the matter at all; it could not see why the employee should have his day in court before the verdict was rendered.

The Bureau of Efficiency has apparently not given publicity to another phase of the differences. The commission had two members literally and six figuratively from Missouri; they had to be shown; and it did not propose to do just as Mr. Brown said without inquiry and investigation. It summoned for conference and advice specialists in this field from outside the service, and it discovered, through its own inquiries and from information received from this outside help, that Mr. Brown was proposing not a modern, up-to-date classification, such as is being made the basis of modern personnel administration, both in public and private employment, but a halfway salary classification such as had been proposed many years ago by the old Keep Commission, made up of Government administrators. Such a classification well administered would have been perhaps an improvement over existing conditions, but it would not have furnished the basis for an effective reform in general personnel administration.

Some inspection, I am informed, was made of the material the Bureau of Efficiency had collected regarding the salaries paid outside the service; but, to make a long story short, the commission decided that it would not get its expert advice from Mr. Herbert D. Brown. He and the commission parted company. Thus Mr. Brown's scheme has been three times con-

sidered and rejected; once by a congressional joint commission, again by the two Committees on Civil Service of the present Congress, and then by a most decisive vote on the floor of the House.

Having been excused as not the best-qualified man for technical leadership in reclassification and salary standardization, Mr. Brown began a campaign against the work of the congressional commission. Examination of the printed reports of his testimony before the Appropriations Committees discloses that in this campaign, intentionally or unintentionally, he grossly misrepresented the facts. He made several statements which any fair-minded investigator who looks into the matter will have to admit are absolutely incorrect. In his public addresses he has again and again reiterated these incorrect statements; and no one can tell how far he and his assistants have gone in their private attacks on the work of the congressional commission and the bills that grew out of it.

Again and again he or his assistants have sought to create the impression that the congressional commission classified employees on the basis of their titles and not on the basis of the actual duties of their positions. Nothing could be further from the fact. In all the literature regarding the Federal civil service with which I am familiar there is no clearer exposition of the worthlessness of existing titles of positions than is contained in the report of the congressional commission. It is a conclusive statement. That commission never for one moment gave any consideration to an existing title in determining the proper classification of a position. As it reiterates time and time again, so that any fair-minded reader of ordinary intelligence can grasp the point, it classified positions on the basis of the duties and responsibilities involved and the qualifications that an employee would have to possess in order satisfactorily to enter upon the performance of those duties. It classified the position and not the incumbent. What qualifications the incumbent may have had that were not required for the job had nothing to do with the classification of the position he occupied; my understanding is that the congressional commission did not even inquire into these purely personal qualifications. When a member of the House Appropriations Committee got the erroneous impression that they did so inquire and so classify and asked the representative of the Bureau of Efficiency if his impression was not correct, it was the duty of the Bureau of Efficiency to correct that false impression and not to confirm it, as was done.

The truth is that the classification proposed by the congressional commission, as provided for in H. R. 8928, being the bill now before the Appropriations Committee, is based on the actual duties and responsibilities of and the qualifications for the positions. The Bureau of Efficiency scheme is a classification on the basis of the Bureau of Efficiency's idea of the value of the duties and not on the duties themselves.

Mr. KELLOGG. Mr. President, will the Senator yield?

Mr. STERLING. I announced at the beginning, if the Senator will excuse me, that I should like to proceed without interruption.

One more word regarding titles. The congressional commission realized that short titles are necessary, so that all concerned with positions can have a standard terminology in speaking of them. It wanted employees, administrators, Civil Service Commissioners, Budget authorities, Appropriations Committees, and Congress, all to have an agreed and standardized terminology, so that we may all use a common language. It proposed to substitute good titles for the existing bad titles. It appears that the Bureau of Efficiency does not want titles. It gives the impression that it prefers to work in the dark and not to let the world know what it is doing. Possibly it objects to titles because titles when properly applied let in the light.

Mr. Brown testified that in so far as he knew positions had not been allocated to classes under the general plan that has received the indorsement of the committees and the House and that no reliable estimates had been made regarding cost. Had he read intelligently and carefully the report of the congressional commission and familiarized himself with the procedure being followed by it he would have been better informed. The congressional commission tentatively allocated to classes practically all the positions in the District of Columbia which came under its jurisdiction, and it compiled elaborate statistical tables giving full information on the subject. Its printed report contained its estimates of cost on a percentage basis. The detailed tables it prepared were submitted to the committees but were not printed.

Subsequently new estimates were based on the figures compiled by the congressional commission as revisions were made in the bill, and these figures were checked by reports submitted by the department heads. No attempt has been made to have these estimates final and precise to the last figure. It has been assumed that Congress should act before the final steps are taken and that Congress should indicate its wishes respecting details. I am of the opinion that the whole matter of fixing Government salaries and dealing fairly with the Government and with the employees should not be delegated to Mr. Herbert D. Brown as Government autocrat.

A favorite assertion of Mr. Brown is that a dictionary classification, as he has been pleased facetiously to call it, has failed wherever it has been tried. The congressional commission, when it investigated the matter, did not find this to be the fact. It learned that progressive large employers, both public and private, were in increasing numbers adopting detailed duties classifications as the corner stone of good personnel administration.

At the joint hearings of the two Committees on the Civil Service this point was gone into, and witnesses familiar with the practice in other jurisdictions testified that such classifications were increasing in number. Such a classification is now recognized generally as a first step in modernizing employment procedure and general personnel administration. Curiously, Mr. Brown's own report on the Civil Service Commission abounds in evidence to show the imperative need of just such a classification as the congressional commission proposed. The improvements that have been made by the Civil Service Commission in the last few months are due largely to the publication of the classification made by the congressional commission and are mere forerunners of what we may expect when a good duties classification with uniform titles becomes operative in the service, provided Mr. Herbert D. Brown does not exercise his veto power and insist on his own classification whatever may be the wishes of Congress.

My information is that after Mr. Brown had been eliminated from the work of the congressional commission he desisted for a time from prosecuting his own scheme of classification. Possibly he had some doubts whether the appointment of a congressional commission to do the work did not by necessary implication repeal the authority given to him by earlier legislation, especially as he had failed to comply with the time elements of that authorization. Later, according to his statement before the Appropriations Committee of the House, a member of that committee authorized him to go ahead, and he began, directly and indirectly, spending thousands of dollars, his own organization's time and the time of the department officials and employees in furthering his own scheme, which would be run by the Bureau of Efficiency and thus give it an excuse for being and keep it from absorption into the Budget Bureau.

To avoid a too obvious duplication of the ground covered by the congressional commission and to get the greatest possible sanction of law for his expenditures, he has worked under the guise of establishing a system of efficiency ratings. His authority for that is in a rider on an appropriation bill. His whole bureau was brought into existence on a rider to an appropriation bill, it has been nurtured through riders, and it has no basic fundamental law covering its existence that has been carefully considered by the Congress. Mr. Good, when chairman of the Appropriations Committee of the House, after having brought about a reduction in Mr. Brown's salary from $10,000 to $7,500, his salary prior to the increase to $10,000 having been $6,000, gave it as his parting advice to the House that the Bureau of Efficiency should be merged into the Budget Bureau, thereby saving a good deal of money and wasted energy. The Congress has never had proper opportunity to consider this proposal, and if Mr. Brown can prevent it the Congress probably never will.

In passing, I should perhaps say that Mr. Good at one time was a supporter of the bureau on the floor of the House, but somehow his affections were alienated. He seemed to think that Mr. Brown had misrepresented to the Appropriations Committee the facts regarding his increase in salary. The House under Mr. Good's leadership was very insistent that the salary of the Chief of the Bureau of Efficiency should be definitely fixed, because at the rate it was rising it was threatening soon to pass out of sight. A little of the inflation was let out by Congress, and the salary was anchored at $7,500.

To come now to his efficiency scheme, as I interpret it, it embraces classification, allocation, salary standardization, and efficiency ratings—all of them. Under a rider to an appropriation act he is planning to perform administratively what some of us have had the temerity to believe were functions that properly belonged to Congress.

His classification scheme on its face, without investigation, seems like simplicity itself. He establishes 18 grades and at-

taches to each grade a salary range. Under each grade he gives a few illustrations of positions he regards as typical of that grade. When he gets an idea of the duties of a position, he puts the position into a grade. If it exactly fits the illustration, well and good. If it does not, he classifies it by analogy. He seeks the agreement of the administration, and if he gets it he is satisfied. There are those who say that he sometimes asserts he has the agreement of the administration, when in fact he has not, and from his record that does not seem entirely impossible.

Classification by analogy presents wonderful opportunities to a skillful manipulator. I understand that the accepted word is "adjustment." When things become uncomfortable in any respect, "analogy" permits "adjustment." Some critics seem to be of the opinion that "adjustments" are already more frequent in cases of upper administrative officers in a position to make vigorous objections and cause trouble than they are among the rank and file in the routine clerkships and labor positions. Inspection of the salary scale and of the administrative positions of the proposal, too, has led some people to an opinion that there has been a deliberate attempt to secure the support of upper administrative officers at the expense of the routine workers. Now, I do not allege that this is the fact, but I assert that it is entirely possible under a scheme that establishes no fundamental definition of grades and which permits classification by analogy. I would go further and say that with human nature as it is and the Government service what it is, a one-man classification by analogy is likely to result in "adjustments." If this system goes into effect it is easy to predict for the word "adjustment" a future in the public service which will be second only to that enjoyed by "influence," and there will then be the two partners, "influence" and "adjustment." Consider the "influence" that could be exerted for "adjustment" by the persons whose backing should enable the one-man Bureau of Efficiency to put through such a device. A bipartisan commission of three, with a reputation for judicial procedure and integrity, would not ordinarily be intrusted with such power, but would be bound by fundamental controlling definitions. To permit such a scheme as the Bureau of Efficiency proposes to put in practice would be indefensible, regardless of the personality and reputation of the man at the head of the bureau that is to administer it.

The salary scale in the Bureau of Efficiency proposal is its own handiwork. The Reclassification Commission proposed to show the Congress what the salary would be for each of the more than 1,700 classes of positions it found in the service and to get congressional approval for them. The Bureau of Efficiency proposes to go to the other extreme, and not to bother Congress about the salaries at all. It will fix the whole matter up quietly, without any fuss and feathers by "adjustments" with administrative officers; and all this, Mr. President, plainly appears from the quotation I made from the article in the Washington Star at the beginning of my remarks. Why let Congress as a whole pass on such an item, all-important though it be, when entire authority over the whole matter can be vested in the United States Bureau of Efficiency, at least so long as it is continued under its present head?

The salary scale on its face appears reasonably generous to upper administrative officers, but somewhat niggardly in dealing with the rank and file. We say "on its face," because the Brown efficiency rating system has a joker in it whereby for the rank and file of employees the upper salary rates in his salary scale are for bait rather than for realization.

Under his efficiency scheme an employee's salary rate within the range prescribed for the grade to which his position is allocated will depend on his efficiency rating; but, Mr. President, there is a distinction. It will not necessarily depend on his efficiency. It is here that the extreme ingenuity of the Chief of the United States Bureau of Efficiency becomes apparent. He has devised a three-cup game of "now you see it and now you don't," whereby while we are all talking about rewarding the efficient Government employee according to his efficiency Mr. Brown gets our eye on an efficiency rating and ends up with the average employee of the lower ranks at or below the middle of his grade, regardless of the efficiency of the average employee. We are mesmerized for a moment in a sort of haze of quantity, quality, percentages, and standards; but we come to at the end when on further study we are aroused to the fact that Mr. Brown has safely kept the average salary from rising, regardless of the efficiency of the employees.

The trick is done by having the standard for measuring the quantity of work done by employees, working in groups of five or more of one grade under a single supervisor, made out of rubber or any other sufficiently elastic material so that it will stretch. If the employees begin to get so efficient that there is some danger of the average salary for the group getting above the middle rate for the average, all you have to do is to stretch the standard and they are safely back where they started. Now and then one employee peculiarly efficient may be permitted to reach the upper rates, but it will be at the expense of others in the group, who will fall a corresponding distance below the average.

Figures, percentages, averages in the hands of so experienced an efficiency expert as the Chief of the United States Bureau of Efficiency furnish, of course, the necessary elastic medium for a standard. In his book of rules for the system, circular No. 4—a pamphlet which was referred to the Committee on Civil Service for consideration along with Executive orders and legislation relating to the Bureau of Efficiency and for consideration also in connection with reclassification but a few days ago—in his book of rules for the system, in paragraph 30, he provides for an appropriate test to determine that the standard has been stretched to just the proper length so that the average quantity rating for the group will not exceed 100 per cent. The quality rating can not exceed 100 per cent, and therefore the product of the two can not give an efficiency rating over a hundred, and a rating of 100 puts the employees at the middle salary for the grade.

Mr. President, some of us seem to belong to a school of thought or of ethics very different from the one of which Mr. Brown is an exponent. To us a standard is something fixed and uniform and not something which will vary from department to department, from bureau to bureau, from office to office, and from time to time. To us the ideals of equal pay for equal work, payment on the basis of efficiency, and justice alike to the Government and to the employees are something more than mere phrases.

Mr. President, I am unable to sit quietly by while a scheme is established without consulting Congress which provides for classification by analogy, allocation by adjustment, and efficiency measurement by a variable instead of a standard. As chairman of the Civil Service Committee, a committee that has worked faithfully in the consideration of the various reclassification measures that have been referred to it, that has been in close touch with the Civil Service Committee of the House and its able chairman, Mr. LEHLBACH; that has given attention to the work and the report of the Joint Reclassification Commission; that has consulted well-recognized experts in reclassification and personnel problems, and having no other interest than the good of the service at heart, and feeling, I think, the full weight of my responsibility in this most important matter, I most earnestly protest against these or any further attempts upon the part of the head of the Bureau of Efficiency to carry out a scheme which, I believe, is bound to prove unsatisfactory to the Government, the heads of departments, and unjust to employees—and, so proving, it will be detrimental to the public welfare.

Mr. President, I send to the desk a resolution which I ask to have read, and then I shall ask unanimous consent for its present consideration.

The VICE PRESIDENT. The Secretary will read the resolution.

The reading clerk read the resolution (S. Res. 297), as follows:

Resolved, That the Senate Committee on Civil Service be, and it is hereby, authorized and directed to investigate and report upon the activities, methods, and procedure of the United States Bureau of Efficiency in devising and installing a system or systems of classification of positions, salary standardization, and efficiency rating in the Federal service, and upon the activities of said bureau, its chief, or any of his assistants, in opposing pending legislation on these subjects (H. R. 8928), which has passed the House of Representatives, has been favorably reported with amendments by the Senate Committee on Civil Service, and has been referred to the Committee on Appropriations.

Mr. STERLING. I ask unanimous consent for the immediate consideration of the resolution just read.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. I object to its present consideration.

Mr. STERLING. Then, I ask that it may lie on the table.

The VICE PRESIDENT. The resolution will go over, under the rule.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. McCUMBER. Mr. President, I ask that we return to page 39, paragraph 217, for the purpose of acting upon some committee amendments.

Mr. CALDER. Mr. President, will the Senator from North Dakota yield so that I may call up House bill 9527, providing for the extension of bank charters?

Mr. McCUMBER. Let us dispose of this paragraph first, if the Senator will allow me to proceed.

Mr. CALDER. Very well.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. In paragraph 217, on page 39, line 11, the committee proposes to strike out "28" and insert in lieu thereof "50," so as to make the proviso read:

Provided, That none of the above articles shall pay a less rate of duty than 50 per cent ad valorem.

Mr. McCUMBER. The committee amendment proposes to raise the limit from 28 per cent ad valorem to 50 per cent ad valorem. I ask that the Senate shall disagree to the committee amendment, and then I shall ask that the lines including the words "that none of the above articles shall pay a less rate of duty than 28 per cent ad valorem" be stricken out.

Mr. SIMMONS. Mr. President, I was temporarily out of the Chamber when the consideration of the tariff bill was resumed. I would like to inquire of the Senator what paragraph he is referring to?

Mr. McCUMBER. It will be found on page 39 of the bill, paragraph 217.

Mr. SIMMONS. The Senator desires to recede from the committee amendment making the rate 50 per cent?

Mr. McCUMBER. First, I shall ask that the Senate disagree to the committee amendment proposed on line 11, whereby 28 per cent is changed to 50 per cent. That will leave the rate 28 per cent. If that amendment is disagreed to, as I request, I shall then ask that the entire provision be stricken out, so that there will be no limitation.

Mr. SIMMONS. I have no objection at all to changing the rate from 50 to 28.

Mr. WATSON of Georgia and Mr. JONES of New Mexico rose.

Mr. McCUMBER. I think Senators will have no objection to reducing the rate from 50 to 28. Then I shall move to strike out the entire proviso.

Mr. SIMMONS. After the rate is reduced from 50 to 28, of course there will be a vote on whether we shall adopt 28 per cent?

Mr. McCUMBER. Yes; but I think no one will object to my suggestion.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. McCUMBER. That leaves the proviso to read:

Provided, That none of the above articles shall bear a less rate of duty than 28 per cent ad valorem.

We have fixed the rate by specific duties, and that action will cut out the provision that it shall not be less than 28 per cent. So if the specific duty is less than 28 per cent, the specific duty, of course, will govern.

Mr. SIMMONS. What is the specific duty?

Mr. McCUMBER. There are several of them. I read:

Plain green or colored, molded or pressed, and flint, lime, or lead glass bottles, vials, jars, and covered or uncovered demijohns, and carboys, any of the foregoing, filled or unfilled, not specially provided for, and whether their contents be dutiable or free (except such as contain merchandise subject to an ad valorem rate of duty, or to a rate of duty based in whole or in part upon the value thereof, which shall be dutiable at the rate applicable to their contents), shall pay duty as follows: If holding more than one pint, 1 cent per pound; if holding not more than one pint and not less than one-fourth of a pint, 1½ cents per pound; if holding less than one-fourth of a pint, 50 cents per gross.

Mr. SIMMONS. I now understand what the Senator's proposition is. I did not at first. The Senator proposes to cut the ad valorem rate out and leave the specific rate.

Mr. McCUMBER. That is correct.

The VICE PRESIDENT. The question is on agreeing to the amendment striking out the proviso as amended.

The amendment was agreed to.

The VICE PRESIDENT. The Secretary will state the next amendment of the committee to paragraph 217.

The next amendment was, on page 39, line 14, to strike out the word "as" after the word "use."

The amendment was agreed to.

The next amendment was, on page 39, line 15, after the word "employed," to strike out the words "as containers."

The amendment was agreed to.

The next amendment was, on page 39, line 17, to strike out the word "operations" and to insert the words "operations, and not to include bottles for table service and thermostatic bottles."

The amendment was agreed to.

Mr. WATSON of Georgia. Mr. President, some weeks ago——

Mr. McLEAN. Mr. President, I wonder if the Senator from Georgia heard the request of the Senator from New York [Mr. CALDER] that he be allowed to call up House bill 9527, extending bank charters?

Mr. WATSON of Georgia. I have just been in conference with the Senator from New York, and he very courteously agreed to give way to me for a few moments.

Mr. McLEAN. Very well.

EUROPEAN RELIEF EXPENDITURES.

Mr. WATSON of Georgia. Mr. President, some weeks ago, while we were debating the new judgeship bill, the senior Senator from Tennessee [Mr. SHIELDS] read into the record a letter he had received from Mr. Wayne B. Wheeler, of the Anti-Saloon League. The Senator also read his reply to it, and proceeded to make some comments of an explanatory or interpretative character.

When subsequently a request was made by the junior Senator from Wisconsin [Mr. LENROOT] to place the Wayne B. Wheeler letter in the RECORD, I thought it was simply a matter of fairness to the Senator from Tennessee and to myself that Senator SHIELDS's answer to Mr. Wheeler's letters, together with his comment, should all go in together, so that the RECORD would present to the country exactly what had happened and the people could see whether or not the construction placed on the letter by me, and apparently by Senator SHIELDS, was justified.

I did not unconditionally object to the putting in of the letter of Mr. Wheeler. I have never in any case made an objection purely obstructive. My objection was conditional, and my consent would have been given had the Senator from Wisconsin been willing that Senator SHIELDS's reply to Mr. Wheeler's letter, and his comment upon it, should also have gone into the RECORD, so that the whole thing would have been connectedly presented. So much for that.

My conduct on that occasion was alleged as an excuse for what I took to be a discourtesy yesterday in reading into the record a letter from Mr. Herbert Hoover. In that letter Mr. Hoover said:

Wherever these asssociations have handled funds belonging to the United States Government, the whole of the accounts and vouchers have of necessity been deposited in the United States Treasury in order to obtain payment of appropriations. As a matter of fact, a large part of these accounts have actually been reprinted in the CONGRESSIONAL RECORD itself.

I made objection to the publication of that letter until I could make some comment upon it myself. My statement had been as follows:

Herbert Hoover has never published in America the vouchers and statements of the vast sums of money that he has been handling.

It will be noticed that I used the words "statements and vouchers," and every lawyer and layman who heard me must have been conscious of the fact that I was taking the legal view of it and was speaking of such a statement as would be rendered by a guardian, an administrator, an executor, a trustee, a receiver, an assignee. In fact, almost every person intrusted with funds belonging to others is required by law to publish an itemized statement accompanied by vouchers sustaining it. That is exactly what I had in mind, and that is why I said that no such statement and vouchers had ever been published by Mr. Hoover.

With a supreme air of triumph the Senator from Wisconsin [Mr. LENROOT] held in his hands certain documents which he said proved that Mr. Hoover had done what I said he had not done, and he sent them to my desk asking that if upon examination I found that my statement was incorrect I would make the correction. That I promised to do.

Last night I examined these documents, and I must say that I feel some doubt now as to whether they have been examined by the Senator from Wisconsin [Mr. LENROOT].

They do not at all contradict my statement. There are no itemized statements. There are no vouchers here. There are no pay rolls or salary lists. Only one person out of all of the great numbers employed is mentioned by official designation and his salary given. These documents form no part of the CONGRESSIONAL RECORD. As yet no one has cited that part of the CONGRESSIONAL RECORD which contains any statements or vouchers or itemized accounts of Mr. Hoover. As yet no one has mentioned any newspaper that has published such statements, accounts, or vouchers which any lawyer would know ought to be itemized.

These statements, however, do contain astonishing information. They show that Mr. Hoover had the handling of the vastest sums of money ever handled by any one man in the history of the world. The sums are almost incredible. No emperor, no king, no Crœsus, no King Solomon, no bonanza king, no American millionaire, ever handled such vast sums

as were put in the hands of Mr. Hoover. I crave the indulgence of the Senate while I recite a few of the facts appearing in these reports.

Administration and general expenses to the 17th of June, 1920: London, $665,000; New York, $1,778,000; Rotterdam, $553,000; Brussels, $524,000; National Committee for Relief in Belgium, expenses and cash advances, $211,000; Lille, $28,000; Antwerp, $84,000; making the expense account of administration nearly $4,000,000, and no reference is made as to where the items or the vouchers could be found. The loss on furniture, fittings, and motor cars is put at $25,000—no items given.

I did not say that he has no vouchers. My statement was that he had not published any. I did not say that he had no itemized statement. What I said was that he had not published any. As yet my statement has not been disproved.

This account seems to show that Mr. Hoover had from $400,000,000 to $600,000,00 every year during the whole period of time he was in charge of the European work. The sums are simply staggering.

Here is the summary of the expenses of administration and general expense:

London office	$665,400.28
New York office	1,778,460.69
Rotterdam	553,223.35
Brussels	524,376.00
Paris	36,121.00
National committee	211,539.00
Lille	28,192.00
Antwerp	84,156.00

Who got the salaries? Who were on the pay roll, what men and what women? What did each get and what services did they render? Have the American people no right to know? Have the charitable individuals, societies, State and Federal Governments no right to know?

Here is a statement on page 62:

Transport expenditures, $165,239,023.32.

In London:

Accountants' charges	$81,274
Printing and stationery	78,313
Cables and postage	77,426
Office rent	38,597
Traveling expenses	26,988
General expenses	56,470
Press salaries and expenses	3,291
Salaries and wages	293,978
Clothing expenses	2,131

Making total expenses of the London office, $665,400.28.

Now, Mr. President, how did they expend $78,000 in printing? What did they print? Who got all these salaries, and what is meant by "press salaries"? Should not the people who gave this money know where it went and how such a large sum was expended in London as $665,000?

Here is New York City:

Clothing and campaign expenses.

What is meant by campaign expenses? We have no information, but the campaign to get clothing for the European needy cost this fund $882,572. Who got the money, and what service was rendered? In what sort of work did the campaign consist? Who were the campaigners? Who were the men and women who got the salaries, and how much did each get?

Here is the next item:

Salaries and wages, $490,878.

Adding these two together we have considerably more than $1,300,000 for salaries, wages, and campaign expenses. Then:

General expenses not itemized	$139,513
Cables, telegrams, and postage	74,609
Press expenses	40,783

What were those press expenses? What is meant by that?

Accountants' and auditors' fees	$35,250
Traveling expenses	35,427
Stationery and printing	20,689

Then I come again to Belgium, at Rotterdam:

Salaries and wages	$287,722
Clothing department	76,000
Traveling expenses	44,552
General expenses	35,696
Motor-car expenses	9,515
Press expenses	1,011

What is meant by press expenses?

Then we come to Brussels, Belgium:

Delegates' expenses	$219,936.79

What is meant by that, Mr. President? I would really like information on the subject. What delegates were these, and why did they have to have expenses and salaries out of these charity funds?

Motor-car expenses	$153,316.00
Salaries	63,400.00
Traveling expenses	24,694.77
General expenses	28,000.00
Printing and stationery	10,529.00
Telegrams and cables	895.00

Now, let us take page 98:

Circulars, stationery, and printing	$93,434
Secretary's salary, 31st of May, 1919	23,377

As I said, he is the only officer designated in these accounts and even his name is not given, although I suppose it could be found by examining some other part of the report.

Secretary's traveling expenses	$3,847
Clerical assistance	7,597
Flags, etc	2,760
Cables	1,470
Sundries	1,257
Telephone	1,019
Press cuttings	904

For clippings out of newspapers—eulogistic of Mr. Hoover and his work, no doubt—$904 is charged up to the charity fund.

Under the heading "Lille office working account," I quote the following:

Delegates	$6,176.62
Motor car	6,066.04
Office salaries and wages	5,636.99
General expenses	1,617.45
Traveling and hotel	3,277.17

Staff house—

Whatever that may mean—

$2,177.60; office expenses, $1,365.23.

Under the heading "Antwerp office expenses" appear the following items:

Salaries	$34,431.08
Clothing department expenses	22,706.48
Auto expenses	7,907.30
Delegate's allowances	5,686.38
Stationery and printing	5,109.52
General expenses	5,359.78
Traveling expenses	1,430.59

At Rotterdam there is an item for motor cars of $16,586.15, and so on throughout the report. There is not a single itemized statement, not a single voucher; and no reference is made, so far as I can see, to where one could find either the itemized statements or the vouchers.

I have read enough, Mr. President, to accomplish my purpose, which was to show that no such statement, accompanied with vouchers, as the law invariably requires of those acting in a fiduciary capacity and handling trust funds, has been filed in connection with these accounts.

EXTENSION OF CHARTERS OF NATIONAL BANKS.

Mr. CALDER obtained the floor.

Mr. McCUMBER. Mr. President, the Senator from New York [Mr. CALDER] is a member of the Finance Committee, and I am going to leave it to his own good judgment as to whether he thinks we ought to sandwich in between these extraneous matters a little consideration of the tariff bill.

Mr. CALDER. The bill for which I desire to ask consideration will, I think, meet with no objection. I think we can complete its consideration in a moment or two.

Mr. President, the Committee on Banking and Currency on May 27 reported unanimously House bill 9527, which proposes to extend the charters of national banks. I ask unanimous consent for the present consideration of the bill.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The Senator from New York asks unanimous consent for the present consideration of a bill, the title of which will be stated by the Secretary.

The ASSISTANT SECRETARY. A bill (H. R. 9527) to amend section 5136, Revised Statutes of the United States, relating to corporate powers of associations, so as to provide succession thereof until dissolved, and to apply said section as so amended to all national banking associations.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. WATSON of Georgia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Borah	Harris	Newberry	Spencer
Broussard	Harrison	Norris	Sterling
Calder	Jones, N. Mex.	Oddie	Sutherland
Capper	Jones, Wash.	Page	Townsend
Caraway	Kellogg	Pepper	Underwood
Culberson	Kendrick	Poindexter	Wadsworth
Curtis	Keyes	Pomerene	Walsh, Mass.
Dial	Ladd	Ransdell	Warren
du Pont	La Follette	Rawson	Watson, Ga.
Edge	McCumber	Robinson	Watson, Ind.
France	McKinley	Sheppard	Williams
Frelinghuysen	McLean	Shortridge	Willis
Gerry	McNary	Simmons	
Glass	Nelson	Smith	
Hale	New	Smoot	

Mr. UNDERWOOD. I desire to take this opportunity to announce the absence of the senior Senator from Florida [Mr. FLETCHER] on account of sickness, and to say that he is paired with the Senator from Delaware [Mr. BALL]. I ask that this announcement may stand for the day.

The PRESIDING OFFICER. Fifty-seven Senators having answered to their names, a quorum of the Senate is present. Is there objection to the request of the Senator from New York for the present consideration of the bill named by him?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9527) to amend section 5136, Revised Statutes of the United States, relating to corporate powers of associations, so as provide succession thereof until dissolved, and to apply said section as so amended to all national banking associations, which had been reported from the Committee on Banking and Currency with amendments, in line 6, after the word "have," to strike out "perpetual"; in the same line, after the word "until," to insert "99 years from July 1, 1922, or from the date of its organization if organized after July 1, 1922, unless"; in line 9, before the word "dissolved," to insert the word "sooner"; in line 10, after the word "stock," to insert the word "or"; on page 2, line 1, after the word "by," to strike out "the provision of"; and in the same line, after the word "Congress," to strike out "hereinafter" and insert "hereafter"; so as to make the bill read:

Be it enacted, etc., That section 5136 of the Revised Statutes of the United States be amended so that the paragraph therein designated as "Second" shall read as follows:

"Second. To have succession until 99 years from July 1, 1922, or from the date of its organization if organized after July 1, 1922, unless it shall be sooner dissolved by the act of its shareholders owning two-thirds of its stock, or unless its franchise shall become forfeited by reason of violation of law, or unless it shall be terminated by act of Congress hereafter enacted."

SEC. 2. That all acts or parts of acts providing for the extension of the period of succession of national banking associations for 20 years are hereby repealed, and the provisions of paragraph 2 of section 5136, Revised Statutes, as herein amended shall apply to all national banking associations now organized and operating under any law of the United States.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to amend section 5136, Revised Statutes of the United States, relating to corporate powers of associations, so as to provide succession thereof for a period of 99 years or until dissolved, and to apply said section as so amended to all national banking associations."

NEW YORK-NEW JERSEY PLAN OF PORT DEVELOPMENT.

Mr. EDGE. Mr. President, in order that the States of New York and New Jersey may be permitted to carry out a very large and comprehensive plan for port development, it becomes necessary for Congress to adopt a permissive act giving them that privilege. I ask unanimous consent for the immediate consideration of Senate Joint Resolution 171, which has been favorably reported by the Committee on the Judiciary, with three slight amendments.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution which the Secretary will report?

Mr. HARRISON. Let it be reported.

The ASSISTANT SECRETARY. Senate Joint Resolution 171, granting consent of Congress and authority to the Port of New York Authority to execute the comprehensive plan approved by the States of New York and New Jersey by chapter 43, Laws of New York, 1922, and chapter 9, Laws of New Jersey, 1922.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on the Judiciary with amendments.

The amendments were, on page 10, line 6, to strike out "subject matter" and insert "matters"; on the same line to strike out "of" and insert "covered by"; on line 9 to strike out "and any modifications thereof"; and on line 15, after the word "agreement," to insert: "*Provided further*, That no bridges, tunnels, or other structures shall be built across, under, or in any of the waters of the United States, and no change shall be made in the navigable capacity or condition of any of such waters until the plans therefor have been approved by the Chief of Engineers and the Secretary of War," so as to make the joint resolution read:

Whereas, pursuant to the agreement or compact entered into by the States of New York and New Jersey under date of April 30, 1921, and consented to by the Congress of the United States by resolution signed by the President on the 23d day of August, 1921, the two States have agreed upon a comprehensive plan for the development of the port of New York, embraced in statutes duly enacted by the two States in form following, that is to say:

"SECTION 1. Principles to govern the development:

"First. That terminal operations within the port district, so far as economically practicable, should be unified.

"Second. That there should be consolidation of shipments at proper classification points so as to eliminate duplication of effort, inefficient loading of equipment, and realize reduction in expenses.

"Third. That there should be the most direct routing of all commodities, so as to avoid centers of congestion, conflicting currents, and long truck hauls.

"Fourth. That terminal stations established under the comprehensive plan should be union stations, so far as practicable.

"Fifth. That the process of coordinating facilities should, so far as practicable, adapt existing facilities as integral parts of the new system, so as to avoid needless destruction of existing capital investment and reduce so far as may be possible the requirements for new capital; and endeavor should be made to obtain the consent of local municipalities within the port district for the coordination of their present and contemplated port and terminal facilities with the whole plan.

"Sixth. That freight from all railroads must be brought to all parts of the port wherever practicable without cars breaking bulk, and this necessitates tunnel connection between New Jersey and Long Island, and tunnel or bridge connections between other parts of the port.

"Seventh. That there should be urged upon the Federal authorities improvement of channels, so as to give access for that type of waterborne commerce adapted to the various forms of development which the respective shore fronts and adjacent lands of the port would best lend themselves to.

"Eighth. That highways for motor-truck traffic should be laid out so as to permit the most efficient interrelation between terminals, piers, and industrial establishments not equipped with railroad sidings and for the distribution of building materials and many other commodities which must be handled by trucks; these highways to connect with existing or projected bridges, tunnels, and ferries.

"Ninth. That definite methods for prompt relief should be devised which can be applied for the better coordination and operation of existing facilities while larger and more comprehensive plans for future development are being carried out.

"SEC. 2. The bridges, tunnels, and belt lines forming the comprehensive plan are generally and in outline indicated on maps filed by the Port of New York Authority in the offices of the secretaries of the States of New York and New Jersey, and are hereinafter described in outline.

"SEC. 3. Tunnels and bridges to form part of the plan: (a) A tunnel or tunnels connecting the New Jersey shore and the Brooklyn shore of New York to provide through-line connection between the transcontinental railroads now having their terminals in New Jersey with the Long Island Railroad and the New York connecting railroad on Long Island, and with the New York Central and Hudson River Railroad and the New York, New Haven & Hartford Railroad in the Bronx, and to provide continuous transportation of freight between the Queens, Brooklyn, and Bronx sections of the port to and from all parts of the westerly section of the port for all of the transcontinental railroads. (b) A bridge and/or tunnel across or under the Arthur Kill, and/or the existing bridge enlarged to provide direct freight carriage between New Jersey and Staten Island. (c) The location of all such tunnels or bridges to be at the shortest, most accessible, and most economical points practicable, taking account of existing facilities now located within the port district and providing for and taking account of all reasonably foreseeable future growth in all parts of the district.

"SEC. 4. Manhattan service: The island of Manhattan to be connected with New Jersey by bridge or tunnel, or both, and freight destined to and from Manhattan to be carried underground, so far as practicable by such system, automatic electric as hereinafter described or otherwise, as will furnish the most expeditious, economical, and practicable transportation of freight, especially meat, produce, milk, and other commodities comprising the daily needs of the people. Suitable markets, union inland terminal stations, and warehouses to be laid out at points most convenient to the homes and industries upon the island, the said system to be connected with all the transcontinental railroads terminating in New Jersey and by appropriate connection with the New York Central & Hudson River Railroad, the New York, New Haven & Hartford, and the Long Island Railroads.

"SEC. 5. Belt lines: The numbers hereinafter used correspond with the numbers which have been placed on the map of the comprehensive plan to identify the various belt lines and marginal railroads.

"No. 1, middle belt line: Connects New Jersey and Staten Island and the railroads on the westerly side of the port with Brooklyn, Queens, the Bronx, and the railroads on the easterly side of the port. Connects with the New York Central Railroad in the Bronx; with the New York, New Haven & Hartford Railroad in the Bronx; with the Long Island Railroad in Queens and Brooklyn; with the Baltimore & Ohio Railroad near Elizabethport and in Staten Island; with the Central Railroad Co. of New Jersey at Elizabethport and at points in Newark and Jersey City; with the Pennsylvania Railroad in Newark and Jersey City; with the Lehigh Valley Railroad in Newark and Jersey City; with the Delaware, Lackawanna & Western Railroad in Jersey City and the Secaucus meadows; with the Erie Railroad in Jersey City and the Secaucus meadows; with the New York, Susquehanna & Western, the New York, Ontario & Western, and the West Shore Railroads on the westerly side of the Palisades above the Weehawken Tunnel.

"The route of the middle belt line, as shown on said map, is in general as follows: Commencing at the Hudson River at Spuyten Duyvil, running easterly and southerly generally along the easterly side of the Harlem River, utilizing existing lines so far as practicable and improving and adding where necessary, to a connection with Hell Gate Bridge and the New Haven Railroad, a distance of approximately 7 miles; thence continuing in a general southerly direction, utilizing existing lines and improving and adding where necessary, to a point near Bay Ridge, a distance of approximately 18½ miles; thence by a new tunnel under New York Bay in a northwesterly direction to a portal in Jersey City or Bayonne, a distance of approximately 5 miles, to a connection with the tracks of the Pennsylvania and Lehigh Valley Railroads; thence in a generally northerly direction along the easterly side of Newark Bay and the Hackensack River at the westerly foot of the Palisades, utilizing existing tracks and improving and adding where necessary, making connections with the Jersey Central; Pennsylvania; Lehigh Valley; Delaware, Lackawanna & Western; Erie; New York, Susquehanna & Western; New York, Ontario & Western; and West Shore Railroads, a distance of approximately 10 miles. From the westerly portal of the Bay Tunnel and from the line along the easterly side of

Newark Bay by the bridges of the Central Railroad of New Jersey (crossing the Hackensack and Passaic Rivers) and of the Pennsylvania and Lehigh Valley Railroads (crossing Newark Bay) to the line of the Central Railroad of New Jersey, running along the westerly side of Newark Bay, and thence southerly along this line to a connection with the Baltimore & Ohio Railroad south of Elizabethport, utilizing existing lines so far as practicable and improving and adding where necessary, a distance of approximately 12 miles; thence in an easterly direction crossing the Arthur Kill, utilizing lines so far as practicable and improving and adding where necessary, along the northerly and easterly shores of Staten Island to the new city piers and to a connection, if the city of New York consent thereto, with the tunnel under the Narrows to Brooklyn, provided for under chapter 700 of the laws of the State of New York for 1921.

"No. 2: A marginal railroad to The Bronx extending along the shore of the East River and Westchester Creek, connecting with the middle belt line (No. 1) and with the New York, New Haven & Hartford Railroad in the vicinity of Westchester.

"No. 3: A marginal railroad in Queens and Brooklyn extending along Flushing Creek, Flushing Bay, the East River, and the upper New York Bay. Connects with the middle belt line (No. 1) by lines No. 4, No. 5, No. 6, and directly at the southerly end at Bay Ridge. Existing lines to be utilized and improved and added to and new lines built where lines do not now exist.

"No. 4: An existing line to be improved and added to where necessary. Connects the middle belt line (No. 1) with the marginal railroad (No. 3) near its northeasterly end.

"No. 5: An existing line to be improved and added to where necessary. Connects the middle belt line (No. 1) with the marginal railroad (No. 3) in Long Island City.

"No. 6: Connects the middle belt line (No. 1) with the marginal railroad (No. 3) in the Greenpoint section of Brooklyn. The existing portion to be improved and added to where necessary.

"No. 7: A marginal railroad surrounding the northerly and westerly shores of Jamaica Bay. A new line. Connects with the middle belt line (No. 1).

"No. 8: An existing line to be improved and added to where necessary. Extends along the southeasterly shore of Staten Island. Connects with middle belt line (No. 1).

"No. 9: A marginal railroad extending along the westerly shore of Staten Island and a branch connection with No. 8. Connects with the middle belt line (No. 1) and with a branch from the outer belt line (No. 15).

"No. 10: A line made up mainly of existing lines, to be improved and added to where necessary. Connects with the middle belt line (No. 1) by way of marginal railroad No. 11. Extends along the southerly shore of Raritan Bay and through the territory south of the Raritan River reaching New Brunswick.

"No. 11: A marginal railroad extending from a connection with the proposed outer belt line (No. 15) near New Brunswick along the northerly shore of the Raritan River to Perth Amboy; thence northerly along the westerly side of the Arthur Kill to a connection with the middle belt line (No. 1) south of Elizabethport. The portion of this line which exists to be improved and added to where necessary.

"No. 12: A marginal railroad extending along the easterly shore of Newark Bay and the Hackensack River and connects with the middle belt line (No. 1). A new line.

"No. 13: A marginal railroad extending along the westerly side of the Hudson River and the upper New York Bay. Made up mainly of existing lines—the Erie Terminals, Jersey Junction, Hoboken Shore, and National Dock Railroads. To be improved and added to where necessary. To be connected with middle belt line (No. 1).

"No. 14: A marginal railroad connecting with the middle belt line (No. 1) and extending through the Hackensack and Secaucus Meadows.

"No. 15: An outer belt line extending around the westerly limits of the port district beyond the congested section. Northerly terminus on the Hudson River at Piermont. Connects by marginal railroads at the southerly end with the harbor waters below the congested section. By spurs connects with the middle belt line (No. 1) on the westerly shore of Newark Bay and with the marginal railroad on the westerly shore of Staten Island (No. 9).

"No. 16: The automatic electric system for serving Manhattan Island. Its yards to connect with the middle belt line and with all the railroads of the port district. A standard-gauge underground railroad deep enough in Manhattan to permit of two levels of rapid-transit subways to pass over it. Standard railroad cars to be brought through to Manhattan terminals for perishables and food products in refrigerator cars. Cars with merchandise freight to be stopped at its yards. Freight from standard cars to be transferred onto wheeled containers, thence to special electrically propelled cars, which will bear it to Manhattan. Freight to be kept on wheels between the door of the standard freight car at the transfer point and the tailboard of the truck at the Manhattan terminal or the store door, as may be elected by the shipper or consignee, eliminating extra handling. Union terminal stations to be located on Manhattan in zones as far as practicable of equal trucking distance, as to pickups and deliveries, to be served by this system. Terminals to contain storage space and space for other facilities, the system to bring all the railroads of the port to Manhattan.

"SEC. 6. The determination of the exact location, system, and character of each of the said tunnels, bridges, belt lines, approaches, classification yards, warehouses, terminals, or other improvements shall be made by the port authority after public hearings and further study, but in general the location thereof shall be as indicated upon said map, and as herein described.

"SEC. 7. The right to add to, modify, or change any part of the foregoing comprehensive plan is reserved by each State, with the concurrence of the other."

Whereas the carrying out and executing of the said plan will the better promote and facilitate commerce between the States and between the States and foreign nations and provide better and cheaper transportation of property and aid in providing better postal, military, and other services of value to the Nation: Therefore be it

Resolved, etc., That subject always to the approval of the officers and agents of the United States as required by acts of Congress touching the jurisdiction and control of the United States over the matters, or any part thereof, covered by this resolution, the consent of Congress is hereby given to the carrying out and effectuation of said comprehensive plan, and the said Port of New York Authority is authorized and empowered to carry out and effectuate the same: *Provided*, That nothing herein contained shall be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of said agreement: *Provided further* That no bridges, tunnels, or other structures shall be built across, under, or in any of the waters of the United States, and no change shall be made in the navigable capacity or condition of any such waters until the plans therefor have been approved by the Chief of Engineers and the Secretary of War.

SEC. 2. That the right to alter, amend, or repeal this resolution is hereby expressly reserved.

Mr. ROBINSON. Mr. President, this seems to be quite a voluminous measure, and I think the Senate ought to be given an opportunity to understand its purposes and effect. There are several pages of preamble.

Mr. EDGE. If the Senator from Arkansas will permit me, I did not want to take the time of the Senate from the consideration of the tariff bill.

Mr. ROBINSON. But, Mr. President, the Senator has taken the time of the Senate from the consideration of the tariff bill by asking unanimous consent for the consideration of this measure; and I do not think anyone here, except, perhaps, the Senator from New Jersey and some other Senators who may have had an opportunity of familiarizing themselves with it, understands the purposes of this joint resolution. There are nine pages of preamble to the joint resolution, appearing to present a large number of facts which make its passage necessary. What I want to know is the purposes and effect of the joint resolution. I have not had an opportunity of reading it, and it has not been read.

Mr. EDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from New Jersey?

Mr. ROBINSON. Certainly.

Mr. EDGE. I shall be very glad to explain the joint resolution in a very few moments.

The recitals to which the Senator refers are the recitals of the projects which the two States hope to carry out. The joint resolution provides for absolutely no appropriation from the Government. It does not contemplate any appropriation from the Government. Under Federal laws, the War Department must give permission for the improvement of navigable waters. They have gone over this joint resolution very carefully and have suggested two or three slight amendments, and the Committee on the Judiciary have reported the measure favorably with those slight amendments. The long joint resolution is merely, as stated, a recital of what these two States hope to put into effect; and the Senator will notice that at the end of the joint resolution it is provided that if in any way, at any time, any of these projects do not meet the approval of the Government, the two States are prohibited from carrying them out. It means the expenditure of eight or ten million dollars to try to enlarge and increase the facilities of the port of New York, not only for the benefit of that section of the country, but, I think it will be agreed, for the benefit of the entire country.

The coming to Congress is merely a perfunctory matter growing out of the fact that the States are prohibited from going into any interstate development without congressional permission. That is all that the joint resolution contemplates. The Committee on the Judiciary have undoubtedly investigated, as their responsibility entails, any privilege that might be granted by the passage of this joint resolution; and, as I have stated, the War Department has sent in its report in every way approving the joint resolution, with slight amendments.

Mr. ROBINSON. The joint resolution appears to be designed to carry out an agreement entered into between the States of New Jersey and New York for a comprehensive scheme of development and improvement in which the States are jointly interested.

Mr. EDGE. That is it exactly. The two States have entered into a treaty already, which has been ratified by the legislature of each State.

Mr. ROBINSON. I have no objection to the passage of the measure.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the committee.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

POTEAU RIVER DAM, ARK.

Mr. CARAWAY. I ask unanimous consent, out of order, to report back favorably from the Committee on Commerce Senate bill 3416, to permit the city of Fort Smith, Sebastian County, Ark., to erect or cause to be erected a dam across the Poteau River, and I submit a report (No. 729) thereon. I ask unanimous consent for the immediate consideration of the bill. It

will take only a moment. It grants to the city of Fort Smith the right to construct a dam across a river to protect the city water supply.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce, with amendments.

The amendments were, on page 2, line 1, after the word "dam," to insert "for water-supply purposes"; at the end of line 4 to strike out the period and to insert a comma and the words "at such location and in accordance with such plans as may be approved by the Chief of Engineers and the Secretary of War: *Provided*, That this act shall not be construed to authorize the use of such dam to develop water power or generate electricity"; after line 4 to strike out section 2, as follows:

SEC. 2. That the right is hereby reserved to alter, amend, or repeal this act—

and in lieu thereof to insert:

SEC. 2. That this act shall be null and void unless the actual construction of the dam hereby authorized is commenced within one year and completed within three years from the date hereof—

and to insert a new section, as follows:

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved—

so as to make the bill read:

Whereas the city of Fort Smith, Sebastian County, Ark., a duly organized and incorporated city in said county and State, is dependent for its water supply upon the Poteau River, a stream originating in the State of Oklahoma and emptying into the Arkansas River just east of the State line between the States of Arkansas and Oklahoma; and

Whereas it is necessary for a dam to be constructed in order to preserve the purity of the water supply of the said city of Fort Smith: Therefore

Be it enacted, etc., That the city of Fort Smith, a duly incorporated city, of Sebastian County, Ark., is hereby granted permission to erect or cause to be erected a dam for water-supply purposes across the Poteau River at or near a point just west of the State line dividing the States of Arkansas and Oklahoma, and near or just above the mouth of Mill Creek, at such location and in accordance with such plans as may be approved by the Chief of Engineers and the Secretary of War: *Provided*, That this act shall not be construed to authorize the use of such dam to develop water power or generate electricity.

SEC. 2. That this act shall be null and void unless the actual construction of the dam hereby authorized is commenced within one year and completed within three years from the date hereof.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. McCUMBER. Mr. President, I ask that we return to paragraph 219 of the bill.

The ASSISTANT SECRETARY. Paragraph 219 is on page 42, and relates to cylinder, crown, and sheet glass, by whatever process made, unpolished.

Mr. McCUMBER. I desire to suggest several committee changes in the paragraph. It is the paragraph that relates to cylinder, crown, and sheet glass, generally known as window glass, and that character of glass.

I wish to say at this time that the committee in its first hearings gave so much time to the paragraphs of the bill on which there were contests that it may be that in some instances where there was no contest it did not give the consideration that ought to have been given to the amendment of some of the House provisions. It was understood that the committee should be in session every morning for the purpose of looking further into any of these matters as they arose.

The committee has carefully gone over paragraph 219 and will suggest an amendment to each one of these rates, with the exception of the first one, namely: To leave the "1¼" as it is; to change the "1⅜" to "1⅝"; to change the next item of "2¼" to "1⅝"; to change the next item of "2¾" to "1¾"; to change the next item of "3¼" to "2"; to change the next item of "3¾" to "2¼"; to change the item on line 17, of "4 cents," to "2½ cents"; and then to strike out the proviso "That none of the foregoing shall pay a less duty than 50 per cent ad valorem."

Taking them in their order as committee amendments, I move to strike out, on line 10, "1¾" and to insert in lieu thereof "1⅝"; but before that is voted upon I wish to make a little explanation of what would be the equivalent ad valorem duties, taking the average, of each one of these items for the first nine months of 1921.

The duty on the first item, which is left unchanged, would amount to 20 per cent ad valorem. The duty on the second item, glass exceeding 150 and not exceeding 384 square inches, 1⅜ cents, would be equivalent to 28 per cent ad valorem. The duty on glass exceeding 384 and not exceeding 720 square inches, as proposed to be modified, would be equivalent to 33 per cent. The duty on glass exceeding 720 and not exceeding 864 square inches, 1¾ cents per pound, would be equivalent to 29 per cent. The duty on glass exceeding 864 and not exceeding 1,200 square inches, reducing the rate to 2 cents per pound, would be equivalent to 33 per cent ad valorem. The duty on glass exceeding 1,200 square inches and not exceeding 2,400 square inches, 4 cents per pound, would be equivalent to 38 per cent ad valorem. The duty on glass above 2,400 square inches, 2½ cents per pound, would be equivalent to 42 per cent ad valorem. The ordinary glass used for window glass, as stated here, would bear a duty equivalent to about 20 per cent ad valorem.

Therefore, I move to strike out, in line 10, "1¾," and to insert in lieu thereof "1⅝," so as to read:

Above that, and not exceeding 384 square inches, 1⅝ cents per pound.

Mr. JONES of New Mexico. Mr. President, this paragraph and the one which was dealt with earlier in the morning session present some very interesting features. The modified rates proposed by the Senator from North Dakota are considerably higher than those in the present law, and while we all agreed to the amendment proposed this morning by the committee in paragraph 217, yet, when we come to consider the original text of the bill, which remains unchanged by any Senate committee amendment, there will be amendments offered to that provision.

In this connection I desire to reserve for separate votes in the Senate paragraphs 218 and 222.

Paragraph 219, as has been stated by the chairman of the committee, includes common window glass, and the industry presents a most interesting situation. I prefer to read just what the Tariff Commission has said about it rather than to state in my own language what the facts are, and I think it important to get something of a picture before the Senate as to the processes of this industry, as to how it is controlled, and the arrangement which exists now parceling out not only the market of the United States but of the world.

We have in the report of the Tariff Commission a statement of some comparative costs in this country and Belgium for hand-blown glass, but we have no comparison of costs of the handmade and the machinemade glass. In fact, we have no data whatsoever regarding that cost, but we do find the most interesting statement as to the American cost of production of the handmade glass, and I will read just what the commission has to say about it:

The American cost of production in the foregoing—

That is the American data, which has been considered and compared with the Belgian cost—

The American cost of production in the foregoing is based mainly on the skill of the hand blower who limits his own production to nine cylinders of glass per hour, his labor to 40 hours per week, and his period of employment per year to six months. This hand blower makes a cylinder of glass about 5 feet long and 12 to 15 inches in diameter, or about 2,800 square inches, and it takes him longer to make it than it takes a machine to blow a cylinder over 39 feet long and 22 inches in diameter containing about 32,000 square inches. The machine tender operates three to five machines at the same time, and produces this immense quantity of glass and receives 25 per cent less wages than the hand blower. The high rate of earnings of the hand blower ($50 per week in 1917) is charged into the labor cost of his restricted output of nine small cylinders a day, while the lesser earnings of the machine operator ($40 per week in 1917) when distributed as labor cost over his great quantity of production make a relatively small labor cost in a 50-foot box. As machine production is 60 per cent of the total production, the ability of machine factories to compete with the handmade glass of European countries is a reasonable conclusion.

Mr. HITCHCOCK. Mr. President, why is it that under those circumstances machine production is only 60 per cent?

Mr. JONES of New Mexico. It is by reason of an understanding between the makers of this glass.

Mr. HITCHCOCK. It would seem to be very much to their advantage to use machines for all of it.

Mr. JONES of New Mexico. There is no question about the economic advantage, but it seems to be a psychological as well as an economic situation which is presented, and that is one of the complexities of this problem. But I want to present it to the Senate. The Tariff Commission states some tariff considerations, as follows:

TARIFF CONSIDERATIONS.

The tariff problem centers around the small sizes of window glass, up to and including glass 16 by 24 inches in size, or 384 square inches. The tariff on the larger sizes is satisfactory to manufacturers.

Notwithstanding that, the chairman of the committee this morning, in his reduction of these duties, increased the present rate to a very considerable extent, when the Tariff Commission report that the present rates of duty upon the larger sizes are satisfactory to the manufacturers. They say further:

The consumers of window glass in the United States require from 50 to 55 per cent of the single strength in the small sizes up to 16 by 24. Single strength measures approximately 12 lights to the inch in thickness and weighs about 16 ounces to the square foot; double strength, about 9 lights to the inch and weighs about 24 ounces to the square foot.

Then the present rates of duty are given, both under the act of 1909 and the present law.

The rates of duty in the tariff act of 1909 on the small sizes were reduced in the tariff act of 1913 from 1¼ cents, 1⅝ cents, 1⅞ cents, and 1¼ cents per pound to seven-eighths cent and 1 cent per pound, according to value and surface area.

This morning, in suggesting its rates, the committee practically readopted the rates under the act of 1909, which were materially reduced by the act of 1913, but notwithstanding that reduction in the act of 1913 the manufacturers themselves say that on the larger sizes the existing rates are satisfactory.

In addition to that, "some window-glass manufacturers have stated (1916) that without material injury to the industry the duties on the larger brackets might be reduced."

But instead of reducing them, as the manufacturers say might be done, the committee proposes to increase them, and, so far as the investigation of the Tariff Commission is concerned, no manufacturer has said that they should be increased.

Mr. HITCHCOCK. The committee not only proposes to increase the specific duties over existing law, but it also provides that those specific duties must constitute at least a 50 per cent ad valorem?

Mr. JONES of New Mexico. The committee this morning receded from that proposal and struck out the whole proviso, so that is no longer in the bill.

Mr. HITCHCOCK. That is abandoned?

Mr. JONES of New Mexico. Upon their motion this morning that proviso was stricken out.

The Senator from North Dakota this morning gave to us the percentages of duty which his modified rates would amount to. I want to call attention to the fact, however, that his percentages are based upon the prices of 1921, as he stated, and those prices are at least 100 per cent higher than the pre-war prices. If we get our percentages on the pre-war prices, the equivalent ad valorem rates would be just about twice the ad valorem rates which were given to us by the Senator from North Dakota. Of course, based upon the value which he used, his figures are correct, but the prices on which he based his calculations ranged from 100 per cent to even higher than 100 per cent above the pre-war prices.

This very kind of glass, the common window glass, which was selling before the war for $4.50 a box, is now selling for $9 a box, just 100 per cent higher, and other kinds are selling for more than 100 per cent higher.

Mr. SIMMONS. Does the Senator mean the foreign price?

Mr. JONES of New Mexico. I am giving the American price as the basis for my statement as to these increased prices, but I feel certain that the foreign price has also advanced. It may be I am in error in making that statement as the basis of the calculation of the Senator from North Dakota, but without definite information I do not believe it possible for me to be.

Mr. SIMMONS. I am quite certain the Senator is right. Of course, to test the rate we would have to take the foreign price and not the American price.

Mr. JONES of New Mexico. In this connection I will have to refer to some data which I have, and which will probably clear up the matter. I find the statement here that the landed cost of the Belgian glass is $8 per box. Of course, that includes the duty of 70 per cent under the present rate, but does not include any importer's profit or overhead expenses and costs. The domestic manufacturers are charging $9 per box for that article. Prior to the war the domestic manufacturers were selling the same article for $4.50 per box. So the Belgian price is really above a parity with the domestic manufacturers' price.

Mr. SIMMONS. The Senator adds profits?

Mr. JONES of New Mexico. Yes; that is when we add the necessary overhead and profits of the importers. On window glass the profit is a little higher than the average, I think, on account of the breakage and transportation.

Mr. SIMMONS. The Senator, I think, is absolutely right, so far as importation from Belgium is concerned. On the foreign price he would add the overhead and profits. That is what is ordinarily allowed for overhead and profits. If they were added to the foreign price it would exceed the present domestic price, but I understood that the Senator from North Dakota in giving his ad valorem equivalent was probably estimating it upon a much lower foreign price than indicated in the statement of the Senator from New Mexico. If the Senator from New Mexico will pardon me, I would like to inquire of the Senator from North Dakota what was the foreign price upon which he made his calculation in making his statement a little while ago as to what would be the ad valorem equivalent of the specific rates under paragraph 219?

Mr. McCUMBER. I have the data here if the Senator from New Mexico will yield to me.

Mr. JONES of New Mexico. I am glad to yield to the Senator.

Mr. McCUMBER. It will also correct to a considerable extent the misapprehension as to the foreign values being double. I have also the foreign values. I did not read the entire table, but I will state some of them at this time.

On not exceeding 150 square inches; that is, a 10 by 15 glass. The present valuation is 6 cents a pound, and the pre-war price was about 4 cents. So that was about two-thirds of the present valuation, or one-third less than the present valuation.

The next one is exceeding 150 and not exceeding 384 square inches. The present valuation is 5 cents per pound, and the pre-war valuation was 2.6. That comes nearer doubling than any of them.

Now I will take the next one, exceeding 384 and not exceeding 720 square inches. The present price—and what I mean by the present price is the price for the first nine months of 1921—was 5 cents per pound. The pre-war price seems to range from 3 to 4½ cents per pound. So on that there is very little difference.

Exceeding 720 and not exceeding 864. The present price is 6 cents per pound, and the pre-war price was 6 cents per pound. So the ad valorem would be just the same as the pre-war.

Exceeding 864 and not exceeding 1,200 square inches. The present price is 6 cents, and the pre-war was from 5½ to 5.9. So it is very close to the same price.

I have not yet had time to go over the last two in the comparison, but I think in the larger glass we have gotten down very close to the pre-war basis, and on the others they would average, I would say, about one-fourth greater than the pre-war prices.

Mr. SIMMONS. The Senator is giving the price of those articles by the pound?

Mr. McCUMBER. Yes; that is what I was giving.

Mr. SIMMONS. Will the Senator please tell me where he gets the prices that he has presented?

Mr. McCUMBER. As I stated, we took the best data we had. It is not right up to date. We took the first nine months of 1921. That is as far as we have been able to get complete records. Taking the first nine months of 1921 as our basis, it would give us 6 cents per pound upon the first, 5 cents on the second, 5.5 on the third, 6 on the fourth, 6 on the fifth, 6 on the sixth, and 6 on the seventh bracket.

Mr. SIMMONS. Where are those prices quoted?

Mr. McCUMBER. They are quoted in the reports of the importations for 1921. We have not all the months, but we have a completed report for the first nine months of 1921. I have an idea that at the present rate possibly it may be a little lower, although I have no definite figures.

While I am on my feet, may I call the attention of Senators to the fact that the difference in the rates is not so very much. They are not very much higher on the valuation than under the present law. For instance, where we have a rate of 1¼ cents per pound, the Underwood law was seven-eighths. There was quite a little difference there, but where the House proposes 1⅜, and we have changed it to 1⅝, the present law is 1 cent per pound. Where we have 1⅝, the present law is 1⅛, a difference of one-half. Where we have 1¾, the present law is 1½. Where we have 2—and I am speaking of what we now propose—the present law is 1½. Where we have 2¼, the present law is 1⅞. Where we have 2½, the present law is 2. So there is only a very slight increase in percentages above the present law. Of course, the ad valorem rates make more difference because they are based upon the price in 1921.

Mr. JONES of New Mexico. But I call attention to the fact that the increase in the first item, which is not modified by the committee, from seven-eighths of 1 cent to 1¼ cents, is an increase of three-eighths of a cent above the seven-eighths of 1 cent, which I should say would amount to about 40 per cent.

Mr. McCUMBER. I gave that as 1¼ and 1⅜, and the reason why we did not lower it was that it only amounts to 20 per

cent ad valorem, and we considered that a very reasonable rate.

Mr. JONES of New Mexico. Twenty per cent ad valorem on the 1921 prices?

Mr. McCUMBER. Yes.

Mr. JONES of New Mexico. In the next bracket it is changed from 1 cent, as it is under the existing law, to 1⅜. That would be an increase of three-eighths, which would amount to about 37½ per cent, as I roughly figure it.

Mr. McCUMBER. That is, it would amount to that much over the present law?

Mr. JONES of New Mexico. Yes; 37½ per cent above the present law. In the next line, where the rate is 1¼, it is proposed to change it to 1⅝, an increase of four-eighths above nine-eighths, which would be, as I roughly figure it, about 40 to 50 per cent increase over the present duty.

The next item is a new bracket not found in the present law, but the sizes would fall within the 1¼ cent bracket. That proposes a change to 1⅞. That would be an increase of five-eighths in that bracket on the sizes above 720 square inches and not exceeding 864 square inches. The present rate is 1¼, and they increase that to 1⅞.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER (Mr. EDGE in the chair). Does the Senator from New Mexico yield to the Senator from North Carolina?

Mr. JONES of New Mexico. I yield.

Mr. SIMMONS. As I understood the Senator from North Dakota, he said that the ad valorem equivalent would be, I think, 29 per cent. I may be mistaken.

Mr. JONES of New Mexico. That is the ad valorem equivalent of the rate, based upon 1921 prices.

Mr. SIMMONS. The ad valorem equivalent under the present law in 1920 was 11.66.

Mr. JONES of New Mexico. An increase of nearly three times.

Mr. McCUMBER. Let me correct the Senator in his last statement on this bracket. It is true there is one more bracket in the pending bill than there is in the present law. The Senator is correct in that statement. Where we have the two brackets together, in lines 13 and 15, we propose 1⅞ cents, and in the next one we propose 2 cents. The present rate of duty is 1¼ cents on all that are included in that bracket, so it is one-half of 1 cent above the one and one-fourth of 1 cent above the other per pound.

Mr. JONES of New Mexico. I may possibly have made the wrong figures here. I think the Senator is right about it, and that I made a miscalculation.

Mr. SIMMONS. I wish to ask the Senator from North Dakota what is his estimate as to the ad valorem equivalent with the bracket that reads:

Above that, and not exceeding 864 square inches, 2⅜ cents per pound.

Mr. McCUMBER. Twenty-nine per cent is the equivalent ad valorem.

Mr. SIMMONS. The Senator said that was very little higher than the present law. The present ad valorem equivalent for 1920, which is the last year given, was 11.66.

Mr. McCUMBER. Of course, if we have a quarter of a cent per pound and increase it to one-half cent per pound, we have increased 100 per cent. That is true if you measure by percentage increases. I was speaking simply of the difference in the amount per pound between the Underwood-Simmons law and the pending bill; and then, of course, I gave the ad valorem equivalent under the bill we propose in case the rates are the same as the average for the first nine months of 1021. That is as close as I could get it.

Mr. SIMMONS. Of course, where we are dealing with fractions and fractional increases in a specific rate, it appears small, but when we reduce those fractions to ad valorem percentages, it makes quite a difference. Taking that particular bracket, reading practically the same in both cases, the ad valorem equivalent of the rate now proposed by the Senator from North Dakota would be 29 per cent as against 11.66 per cent.

Mr. McCUMBER. That is on glass exceeding 720 and not exceeding 864.

Mr. SIMMONS. Yes; above 720 and not exceeding 864.

Mr. McCUMBER. Will the Senator get the exact one? I can give him the ad valorem rate upon it if I know which one he refers to.

Mr. SIMMONS. This is above 384 and not exceeding 720.

Mr. McCUMBER. On that the equivalent ad valorem duty, as I stated, is 33 per cent. The price in 1921, taking the average for the nine months, was 5 cents per pound. The pre-war price ranged from 3 to 4½ cents per pound. Of course, if we take the price of 3 cents per pound and put a duty of 1⅜ cents on it, the equivalent ad valorem would be very much above 33 per cent, but if we take the 4½ cents per pound price, it would only be a very little above the 33 per cent.

Mr. SIMMONS. But, of course, we have to take the price for the same year for the purpose of making the comparison.

Mr. McCUMBER. The average pre-war price was in the neighborhood of 3¾ cents, as against 5 cents, the average for 1921.

Mr. SIMMONS. For the purpose of comparison, would not the Senator have to get the average price to-day and apply the rate of the Underwood law and the rate of the pending bill?

Mr. McCUMBER. Not having the importers' figures except for the nine months of 1921, we had to accept them as the proper basis for making our calculations; and I understand the prices are about the same now. They are very much lower, of course, than they were in 1920, for the price that year was the peak price.

Mr. SIMMONS. That is true.

Mr. JONES of New Mexico. Mr. President, I call attention to the fact that in the Payne-Aldrich law there was a limitation upon prices also. That is left out of the present law and also from the bill as it comes from the committee. The act of 1909 read, in part, as follows:

PAR. 99. Unpolished, cylinder, crown, and common window glass, not exceeding 150 square inches, valued at not more than 1½ cents per pound, 1½ cents per pound; valued at more than 1½ cents per pound, 1⅞ cents per pound; above that, and not exceeding 384 square inches, valued at not more than 1⅞ cents per pound, 1⅞ cents per pound; valued at more than 1⅞ cents per pound, 1⅞ cents per pound.

Above that the Payne-Aldrich law simply fixed the rates based upon the sizes.

Mr. SIMMONS. I desire to ask the Senator a question. The Senator is entirely right; it would not be quite fair to make a comparison based on the prices in 1920, because those prices were, in the main, very high, and, of course, when the prices are high the ad valorem goes down. Now, the Senator is making the point that prices have gone down since then, and that would necessarily increase the tariff ad valorem equivalent. He is right about that. I want to inquire of the Senator if his investigation has disclosed whether there has been any fall in the prices of this character of glass. I know there has been a fall in many prices, but I was under the impression that the decline in prices had not reached glass as yet either here or abroad.

Mr. JONES of New Mexico. The Senator is right, so far as any information I have is concerned, that prices of glass to-day are just about 100 per cent higher in this country than they were prior to the war.

Mr. SIMMONS. Have those prices fallen any since 1920?

Mr. JONES of New Mexico. There has been some reduction from actual war prices. For instance, the kind of glass to which I referred a while ago as selling at $9 a box now and $4.50 prior to the war did sell at one time during the war for $13.50. So there has been something of a reduction since the peak of the war prices. I find in the Tariff Information Survey a comparison of the rates in the Payne-Aldrich law and the existing law, and, inasmuch as the rates now suggested by the committee are practically the same as the Payne-Aldrich rates, not taking into consideration, however, the limitation upon prices in the Payne-Aldrich law—and I do not know just what effect that will have upon the bracket—I shall refer to that table. Upon the first two brackets the Payne-Aldrich law rates ranged from 92.1 per cent to 34 per cent, whereas the present law rate is 20.77 per cent. I would judge that, on the average, one would be at least twice as high as the other. The table to which I am referring is found on page 76 of the Tariff Information Survey, B-9.

In the next bracket, above 150 but not exceeding 384 square inches, there were two valuations given, which made a difference in the rate of duty under the Payne-Aldrich law, the duty in the one case being 107.51 per cent and in the other 54.23 per cent. Those two items were thrown together in the present law, and the rate of duty was 31.51 per cent.

In the next size, above 384 and not exceeding 720 square inches, where two different valuations also are given, we find that the rate on the lower value amounted to 107.94 per cent and on the other to 58.66 per cent, while under the present law the rate is 32.71 per cent.

The two brackets, including glass above 720 and not exceeding 864 square inches and above 864 and not exceeding 1,200 square inches, which were found in the Payne-Aldrich law, are revived in this proposal by the Senate committee. Under the present law the two were combined, and the average rate was 42.83 per cent.

Above 1,200 and not exceeding 2,400 square inches the 1909 act imposed a duty of 64.27 per cent, as against the duty in the present law of 47.74 per cent.

Above 2,400 square inches, the Payne-Aldrich law imposed a duty of 119.76 per cent and the present law 28.33 per cent.

As I take it, the committee has practically gone back to the Payne-Aldrich rates, except in the very highest brackets.

Mr. McCUMBER. Mr. President, I wish to say to the Senator that we did not have the Payne-Aldrich provision before us at all in considering this paragraph. We simply took the House rates as they were, the prices, and so forth, and made the changes; but paid no attention to the Payne-Aldrich Act. If we have come close to the Payne-Aldrich rates in any particular, it is not because of any attempt to use them as a guide.

Mr. JONES of New Mexico. It is merely a coincidence, then.

Mr. SMOOT. No; there is not any coincidence.

Mr. JONES of New Mexico. Let us see as to that.

Mr. SMOOT. The Senator is speaking of window glass, is he not?

Mr. JONES of New Mexico. I am; and if the Senator will turn to the paragraph he will find that in the first bracket of the Payne-Aldrich law the rate was 1¼ cents, and that is just what it is in this bill, and in the next bracket it was 1⅝ cents, and that is just what it is here.

Mr. SMOOT. Of course, that is what the rates are in the House bill; but it is not the rate to be proposed by the Senate committee.

Mr. JONES of New Mexico. Yes it is; that is precisely the rate. I have the figures here. It is merely a coincidence, and I am not complaining about that at all.

Mr. SMOOT. I thought the Senator said that all the rates in paragraph 219 were the rates of the Payne-Aldrich Act.

Mr. JONES of New Mexico. Oh, no; I said that the proposal of the committee this morning practically duplicated the Payne-Aldrich rates. As I remarked, however, there is no point to that; it is merely a coincidence.

Mr. SMOOT. The Senator will notice, for instance, there is a duty of 4 cents a pound——

Mr. JONES of New Mexico. I said in the highest brackets there was a change, and it is a considerable change.

Mr. SMOOT. I misunderstood the Senator. I understood him to say that the rates reported by the committee were practically the same as the Payne-Aldrich rates.

Mr. JONES of New Mexico. I did, except as to the highest brackets.

Mr. SMOOT. I did not hear the Senator make that observation.

Mr. JONES of New Mexico. But, of course, that does not alter the situation at all. We are considering the rates of duty as proposed.

Mr. President, I was reading something about the organization of this industry and the difference between hand-blown and machine-made glass. I do not remember just how far I read about the methods of production, but it is important, I think, to get it all together in one picture, so I may repeat to some extent regarding the methods of production.

With an iron blowpipe the hand blower, in a surprisingly skillful manner, makes a cylinder of single-strength glass about 5 feet in length and from 12 to 15 inches in diameter. The most successful machine draws, hoists, and blows cylinders of glass nearly 39 feet in length and about 22 inches in diameter. From the cylinder made by machine more than eight times as much glass is obtained as from the cylinder made by hand. The large machine cylinder is made in less time. The machine blower operates from three to five machines at a time. The processes of flattening, annealing, cutting, and boxing are the same for machine and hand-made glass. A method of drawing the glass in a continuous flat sheet is still in an experimental stage in the United States, but is said to be successfully employed in Belgium.

Now, as to the organization:

The principal machine company operates 118 machines and 6 factories, and is the largest window-glass producer in the world. Its productive capacity, organization, and facilities enabled it to export 80 per cent of all the window glass exported in 1916, an exceptional year, the total amounting to over $3,000,000 in value. This one company could produce nearly all the window glass needed in the American market. It curtails production, however, and with other machine factories divides the domestic market with the 55 small hand-blown glass factories, which operate about six months of each year and produce 40 per cent of the total window glass. Prior to the war and notwithstanding the great advantages of machine production, there were practically no sales of machine glass in foreign countries, the price understandings limiting the trade to our domestic market, and all the factories remaining idle for half of each year. A wider and a larger market appears obtainable through greater machine production and better selling facilities.

In the discussion of glass making in connection with the bottle and jar paragraph it was stated that these glass-making machines were of American invention, and that they did not sell those machines to operators in Europe, but leased them, with the understanding that none of their commodities should be sent over to the United States, and the producer of the machine agreed to limit his product to the domestic market. We have not just that statement regarding these machines which make window glass, but from this statement I infer that there must be some such understanding as that. At any rate, it is perfectly clear that the American market is absolutely controlled and dominated by these machine operators. Through their graciousness, they permit the handmade factories to operate to the extent of 40 per cent of the domestic consumption, and the hand makers—I do not know whether this was done deliberately for the purpose of having high profits for a certain period of the year or not—but the hand makers work only six months in the year, and evidently the prices have been raised up high enough so that the hand factories can make a sufficient profit in six months of the year to compensate them for what would be ordinarily considered a year's effort. These manufacturers have stated that they were satisfied with the present rates, and some of them thought that the present rates on the larger sizes might be reduced below the present law.

That is the situation we are dealing with; and the Finance Committee proposes to increase these duties from about 25 to 35 per cent above existing law. It may be that that will be satisfactory to the country; but where you have an industry supplying the American market, where the one great dominating producer is not complaining, where it is evidently making profits beyond the dreams of a Crœsus, manufacturing its share, which is 60 per cent, of American consumption by machinery, and where that machine turns out the glass eight times as fast as a man can make it, and when they all sell at the same price, it seems to me to be a very satisfactory arrangement to turn over to the machine producer 60 per cent of the American market, let him make that product for one-eighth what it costs the hand producer, and sell it at the same price.

That is the situation as I gather it from the information furnished by the Tariff Commission.

I read a little comment from the Tariff Commission:

While the American people have not as yet secured the expected results of machine production, the revolution in the production of window glass began when the cylinder-blowing machine produced glass commercially in 1905. The unrest then created culminated some years later in a bitter war of prices between the producers of handmade and machine-made glass.

It was feared that if the machines were a commercial success it would not be possible to produce handmade glass on a profitable basis. The entire industry became demoralized. Hand glass manufacturers sold the product for any price they could obtain. The skilled hand workers agreed to a sliding scale based on selling prices, and during the years 1912 and 1913 the average wage of single-strength blowers went down from 45 cents per 50-foot box to 15 cents per 50-foot box, or from upward of $6 per day down to $15 per week, or less than Belgian wages. The price war ended in a compromise, the machine company, after serious losses, reaching the conclusion, as stated by its general manager, that "from a business standpoint we thought it was much more profitable for us to be satisfied with a reasonable share of the country's business rather than to drive out operatives from an industry that had existed as long as this one had existed."

In 1914 a little over 8,000,000 boxes of window glass of 50 square feet each were manufactured in the United States and in 1916–17 about 9,000,000 boxes. About 60 per cent of this product was blown by machine and 40 per cent by the hand method. In Belgium window glass blown by hand is the rule. A machine blower in the most efficient American factories can blow five cylinders of window glass simultaneously, each nearly 39 feet long and 22 inches in diameter, in less time than an American or Belgian hand blower can blow a cylinder 5 feet long and 15 inches in diameter. The American machine blower is paid about $40 a week (1917), while American hand blowers average about $50 a week (1917). The Belgian hand blower does not receive half the wages of the American machine blower. The great advantage in the cost of production of American machine blowing over that of American hand blowing is apparent The machine factories could drive hand-blowing factories out of the business and they could readily produce all the window glass needed. Fear of a price war prevents the machine factories from operating to their full capacity. This was explained by the principal machine company in 1916 in its annual report (see p. 47, Glass Report of Tariff Commission):

"That so long as the company was securing what we considered a satisfactory portion of the going business it would be far more profitable to curtail its operations to the extent we did rather than attempt to operate to capacity and possibly precipitate a price war in the midst of the greatest export business we have ever had."

The effectiveness of machine production in the domestic and foreign market is practically nullified by the policy of restricting output to suit the requirements of hand production. Machine production is marketed under conditions that encourage the continuation of antiquated methods. Profits of machine production are based on the costs of production of handmade glass, selling prices being practically the same.

Mr. President, with such examination as I have been able to make of this question I would not try to destroy the existing condition. I think it would require a very much more careful study of the subject than I have been able to make; but it does seem to me that we are justified, under all the circumstances, in letting the industry so far as taxation is concerned remain where it is to-day. We have no competition from abroad, under existing law, to amount to very much. There is an importation of some of the smaller sizes of glass, but

what importations there are constitute, it seems to me, a healthy competition.

At any rate, it is apparent that with this industry controlled as it is now, with agreements existing as to the output, with the factories operating only six months in the year for the specific purpose of curtailing production, we know that one result and only one result can follow the increasing of this duty, and that is that the people who now control the industry would raise their prices high enough to prevent any competition which would affect their interests. There is no escape from that conclusion, and the manufacturers have said, what I desire to repeat, especially as regards the larger sizes, that the tariff on the larger sizes is satisfactory to the manufacturers. Some window-glass manufacturers have stated that without material injury to the industry the duties on the larger brackets might be reduced. Of course, that applies to the larger sizes, but instead of reducing the rates in those brackets the committee proposes to increase them.

In these smaller sizes it does not seem to me that there is any undue competition. At any rate, it does not appear that the American operators, either by machine or hand, are exerting themselves to avoid competition even in the smaller sizes and under existing law. When they can afford to operate all these factories, machine and hand, only six months in the year, how can anyone try to justify shutting out the small amount of importations which, if allowed to enter, would create healthy competition?

Mr. President, as I said, I do not want to disturb this industry. There is a great problem here, an economic problem, which ought to be solved in some manner; but I do not think this is the place to try to solve it. I do not want to injure the industry or interfere with existing conditions, but it does seem to me that all parties concerned should be satisfied with existing conditions, and I shall therefore move to amend these rates so that they will conform to existing law.

On page 42, line 10, I move to amend the proposed committee amendment by striking out "1⅛" and inserting "1."

Mr. SMOOT. Mr. President, when this paragraph was reached the Finance Committee asked that it go over. Certain members of the committee were not satisfied even with the House provisions, although they were reported to the Senate. A minority of the Republicans of the Finance Committee were bitterly opposed to the proviso put in by the House; that is, that "none of the foregoing shall pay less duty than 35 per cent ad valorem." It was reported to the Senate, and that 35 per cent was increased to 50 per cent, but upon consideration of it, after I had requested that it go over, the committee decided to strike out the proviso entirely. They have also reduced the House specific rates, with the exception of the first bracket.

The first bracket is on window glass not exceeding 150 inches. The value of that to-day is 6 cents a pound. The equivalent ad valorem of the 1¼-cent rate is 20 per cent.

Mr. POMERENE. The Senator speaks of it as being worth 6 cents a pound. Does he mean according to the American valuation?

Mr. SMOOT. No; the foreign valuation. Last year it was worth 10 cents a pound; but it has been reduced from 10 cents a pound to 6 cents, and that is the foreign valuation to-day.

Mr. POMERENE. In what countries?

Mr. SMOOT. In Belgium. Belgium is the great glass-producing country outside of America, and all our competition virtually comes from Belgium.

The next bracket we propose to reduce to 1¼ cents. The equivalent ad valorem is 28 per cent. The price of that glass is 6 cents per pound also.

The next bracket we propose to reduce to 1⅛ cents. The price of that glass is lower than the price of any other glass offered in Belgium to-day, and I think the pre-war price of this glass was lower than that of any other glass. I can not state why that is, but it is the fact. I take it, though, that it comes about because there is so much of it used that the competition is very keen. I think more than likely that is the cause, although I am not positive. The equivalent ad valorem for the 1⅛ cents is 33 per cent.

The next bracket we reduce to 1¾ cents. The present price of that glass is 6 cents and the ad valorem equivalent is 29 per cent.

The next bracket we reduce to 2 cents from the House rate, which is 3⅛ cents. The equivalent ad valorem is 33 per cent.

The next bracket we reduce to 2¼ cents. The value is 6 cents and the ad valorem rate is 38 per cent.

The rates provided for in the House text are the rates which were in the Payne-Aldrich law. They are altogether too high, and the committee recognized that and proposed an amendment, which the chairman of the committee has already suggested, to equalize as nearly as possible the relative cost in the production of the different sizes of glass falling under this paragraph.

I think myself we can make the machine-made window glass as cheaply in this country as it can be made anywhere in the world, but Belgium has an advantage of from 50 to 75 per cent in the wage scale alone. They make the glass in the same way we make ours. Their raw material is at hand, just as the raw material in this country is at hand, and it is a great deal cheaper there because of the cheaper labor. The manufacturers there have a freight rate from Belgium to the coast cities of the United States which is about one-third the freight rate from where the glass is manufactured in this country to the same cities.

Those are the only two reasons why there should be any duty at all on this glass, and that is the position the committee takes. The rates which the committee reports are the rates they think and believe will equalize the advantage which Belgium has over the American manufacturer, as far as this market is concerned. Does the Senator desire to offer his amendments now?

Mr. JONES of New Mexico. My attention has just been called to the fact that the committee amendments have not been acted upon.

Mr. SMOOT. That is what I was about to say, and I was going to suggest that if the Senator insisted on it I would ask that the committee amendments be withdrawn so that he might offer his amendments; but I think the best way would be to offer the committee amendments now.

Mr. JONES of New Mexico. In lieu of the proposed amendment I move to strike out, on line 10, "1⅛" and insert "1."

Mr. SMOOT. That would be in the second degree.

The PRESIDING OFFICER. The committee amendment has not yet been formally presented.

Mr. SMOOT. If the Senator will allow the committee amendments to be offered, and then offer his amendment as an amendment to the committee amendment, I think that would be the best way.

Mr. JONES of New Mexico. I think that would be the better parliamentary way to handle it.

Mr. SMOOT. I now move, on page 42, line 7, after the word "made," to insert "and for whatever purpose used." I suppose the Senator will not have any objection to that; but, by way of explanation, I want to say that those words are by way of amendment, put in here to overcome a ruling which has been made by the customs department that wherever glass has been cut it does not fall under this paragraph, but falls under the manufactures of glass and carries a rate of 60 per cent; that if a pane of glass 10 by 20 is cut in two and made 10 by 10 it takes the 60 per cent rate. This is to cure that situation.

Mr. JONES of New Mexico. The amendment is very appropriate.

The PRESIDING OFFICER. The Senator from Utah offers the following amendment on behalf of the committee.

The READING CLERK. On page 42, line 7, after the word "made" and before the comma, insert the words "and for whatever purpose used" and a comma.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

ATTORNEY GENERAL DAUGHERTY—THE MORSE CASE.

Mr. CARAWAY. Mr. President, in the interest of historical accuracy, I want to make a statement with reference to the Attorney General's connection with the Morse case. It becomes particularly necessary that I should do it now, because at the other end of the Capitol an investigation has just been denied. An article also which appeared in the Evening Star paper yesterday afternoon, written by a special news writer whom I do not have the honor to know, but who I am sure intended to be fair, makes it desirable that I shall make this statement.

Yesterday afternoon the Star carried the following statement:

President retains faith in integrity of Mr. Daugherty. Belief held Attorney General merely made poor defense.

In this statement appears, among others, this paragraph:

Senator WATSON—

Which refers to Senator WATSON of Indiana—

had communicated by telephone the fact that Senator CARAWAY had revived the Morse case. Mr. Daugherty, who had been hearing about the Morse case for 11 years, was not perturbed by it. In Ohio politics Mr. Daugherty has some violent opponents as well as stanch friends.

The skeleton of the Morse case has been rattled every time Mr. Daugherty has been in the public eye. When Mr. WATSON of Indiana told him it was up again, the Attorney General told him not to worry as he hadn't received a cent from Morse. Mr. Daugherty imagined that the conversation related to whether he had received any money, and he authorized Mr. WATSON to deny it. During the

course of the debate Senator WATSON went a step further and indicated that the Attorney General had denied his connection with the case altogether.

CALLED ERROR IN JUDGMENT.

In support of the contention that the Attorney General could not have claimed any such thing, administration supporters insist that Mr. Daugherty would never deny what had been common knowledge and what had been printed in the newspapers at the time of his connection with the Morse pardon. The error in judgment which Mr. Daugherty made in ignoring the Senate proceedings for nearly three weeks before issuing a statement of explanation is now freely admitted by the administration group, but this was due as much to Harry Daugherty's own feeling that nothing new had been developed and nothing injurious, as it was to the feeling of others in the administration circle who believed the whole thing a tempest in a teapot which would blow over if let alone.

There is reason to believe that the criticism which has swept the country because of Mr. Daugherty's belated explanation has not penetrated very deeply here. The view prevails that the incident soon will be passed by, and that the continued confidence of President Harding in Attorney General Daugherty will be demonstration enough that he does not think his friend did anything ethically unwise or morally wrong.

After reading that paragraph I shall read part of another:

There is something more than personal friendship and loyalty in Mr. Harding's attitude toward his lifetime associate and political mentor. It is true that to Harry Daugherty, more than anyone else, Mr. Harding owes his nomination at Chicago in 1920, which was equivalent to an election. It is true that Mr. Harding is under obligation to Mr. Daugherty, but it is also a fact that Mr. Harding knew in the fall of 1920 everything about the part Harry Daugherty played in obtaining a pardon for Morse under the Taft administration, and that he did not consider it a bar to the appointment of Mr. Daugherty.

The first statement on which I want to comment is the last one read. There is internal evidence in this article that it comes from an inspired source. It is the defense of the Attorney General by the Attorney General and the President of the United States. In it it is said that President Harding in 1920 knew all the relations of Daugherty to the Morse case, and, knowing it, he does not regard that as a disqualification for Mr. Daugherty to be Attorney General.

In the light of what is now known, if that statement is inspired, and I believe it to be, it means that the President knew when he named Mr. Daugherty as Attorney General that Daugherty and Felder perpetrated a fraud upon Taft when he was President and had procured a commutation by fraud from Taft of Morse's sentence. I say "if he knew." This paper was published yesterday, and it is the last defense of Daugherty and the administration, in which the statement is made that the President knew all the facts. If he did, he knew that Morse was doped in order to give the impression, when doctors should examine him, that he had Bright's disease when he did not have it.

If the President of these United States thinks that it is perfectly legitimate and ethical that an attorney shall practice a fraud upon the Executive of the Nation in order to procure a commutation of a criminal sentence, it is well that the country should know it. This article appearing in the Star, with every evidence of inspiration, says that the President knew all these things when he named Daugherty as Attorney General, and that he does not think it is at all to his discredit and does not think he has done anything unethical.

Let us read another paragraph from this inspired article:

If Harry Daugherty had come out immediately after his connection with the Morse case was mentioned in Senate debate by Mr. CARAWAY, of Arkansas, and said, "Yes; I was an attorney for Morse and helped get him a pardon—I was a private lawyer then and had a right to defend my client," no one would have thought any more about the incident. But in a telephone conversation between Harry Daugherty and Senator WATSON of Indiana a misunderstanding occurred.

But before commenting on that statement let me read another paragraph and comment on it.

But in a telephone conversation between Harry Daugherty and Senator WATSON of Indiana a misunderstanding occurred. This correspondent is presenting the version of the conversation which is told by friends of Mr. Daugherty.

In that statement is not a word of truth, but I do not think that the news writer who wrote it is responsible. He says this is a version that Daugherty's friends give out. He means to say, "This is what Daugherty told me to say to the country, that the Senator from Indiana, in a telephonic conversation with me, said 'CARAWAY has mentioned the Morse case, and we misunderstood each other in the telephonic conversation.'"

That is not what happened. I am not falling out with Mr. Lawrence, who wrote the article. I am sure that he wrote what the Attorney General told him, because the article carries every evidence of inspiration. It is coming from the Attorney General. It is intended to put the Attorney General's construction of the matter before the country in order to soften the matter for the Senator from Indiana, whose reputation for veracity stands destroyed if Daugherty be believed. It is therefore here asserted it was a telephonic conversation.

Let us see what the RECORD shows. It was not a telephonic conversation at all. I read from the CONGRESSIONAL RECORD of May 2, page 6175. I had mentioned in a speech I was making the Attorney General as having received a fee for procuring a pardon. I was talking about the President refusing to see some little children and said that they had no money to employ expensive counsel and therefore got no hearing. The Senator from Kentucky [Mr. STANLEY] interrupted me and said:

Mr. President, I am amazed at the statement of the Senator from Arkansas.

Then the Senator from Indiana [Mr. WATSON] said:

Mr. President, will the Senator permit an interruption?

I shall not read it all, but I said:

I have the floor and will permit an interruption, although I do not intend to lose the floor.

Then the Senator from Kentucky said:

If the Senator from Indiana will permit me—

After he had finished his statement and I said:

Mr. President, I am proud to say that the kind of lawyers we license to practice in my State do not have to be penalized to prevent them from doing a thing like that.

Mr. WATSON of Indiana then said:

Will the Senator permit an interruption?

I said that I would. Then the RECORD proceeds:

Mr. WATSON of Indiana. We did not hear over on this side what it was that the Senator said about the Attorney General. Will he kindly repeat it?

Mr. CARAWAY. I know the Senator did not hear it, because all the Senators over there got busy in order not to hear what was being said. I said that I understood that the greatest achievement of the Attorney General was that he got a pardon for a criminal, and got a fee of $25,000 for doing it.

Mr. WATSON of Indiana. Does the Senator mean since he became Attorney General?

Mr. CARAWAY. Oh, no.

Mr. WATSON of Indiana. May I further question the Senator?

Mr. CARAWAY. Yes, sir.

Mr. WATSON of Indiana. To what case does the Senator refer?

Mr. CARAWAY. The Morse case.

Mr. WATSON of Indiana. Does the Senator charge on his responsibility as a Senator that Mr. Daugherty, even before he was Attorney General, received a fee for helping to get Mr. Morse out of the penitentiary?

Mr. CARAWAY. I charge that that was a matter of public information. I was not, of course, present when any contract was made. I will say that I have heard it so often that I think it is true, without question.

Mr. WATSON of Indiana. The Senator, then, accepts a rumor as true, and charges it on the floor of the Senate?

Mr. CARAWAY. Does the Senator from Indiana say that it is not true?

Mr. WATSON of Indiana. I do.

Mr. CARAWAY. On the Senator's own personal knowledge?

Mr. WATSON of Indiana. I do.

Mr. CARAWAY. That Mr. Daugherty did not represent Morse?

Mr. WATSON of Indiana. I did not say that he did not represent Morse; but I say on my knowledge of the situation that he received no fee for the service rendered, nor did he represent Morse directly, according to my understanding.

Mr. CARAWAY. Did he indirectly represent him?

Mr. WATSON of Indiana. No.

Mr. CARAWAY. Why did the Senator say, then, that he did not directly represent him?

Mr. WATSON of Indiana. I meant by that that my understanding of the situation is that he was representing his client, and that the testimony of Mr. Morse was necessary, and that in that way he had contact with Mr. Morse; but he did not get him out of the penitentiary; he had not anything to do with getting him out of the penitentiary; and he received no fee for getting him out of the penitentiary.

Mr. CARAWAY. How does the Senator know that?

Mr. WATSON of Indiana. I know it from the language of the Attorney General.

Mr. CARAWAY. Did he tell the Senator that he did not?

Mr. WATSON of Indiana. He did.

Mr. CARAWAY. That he never got a cent for it?

Mr. WATSON of Indiana. Not for that.

Now, that disposes of the statement that the Attorney General now makes that the reason they misunderstood each other was that they were having a telephonic conversation or that he was told that I had "mentioned the Morse case," and then Senator WATSON of Indiana had gone to the telephone and called up the Attorney General and said: "CARAWAY is talking about the Morse case again," or that the Attorney General then said, "I did not get anything out of it," or that the Senator from Indiana had then made his statement. There was no telephonic conversation.

Oh, Mr. President, it goes a bit further than that. The Attorney General, when he wants to put his "side" of this controversy to the country, ought not to deceive the newspaper men as he had deceived the Senator from Indiana. He caused the Senator from Indiana to make a statement here on the floor of the Senate that subsequent events show was entirely untrue, although I am sure the Senator from Indiana believed it was true when he repeated the assurance given him by the Attorney General that he had nothing to do with the Morse case—I know that he did, because he is an honest man. Now the Attorney General has caused a newspaper man to say "there was a telephonic conversation" and the misunderstanding arose in that way. He ought to be candid with his friends when they are trying to "set him right."

But to show how wholly absurd that statement is, reading on down in the colloquy, I asked the Senator from Indiana [Mr. WATSON] this question, all this being in the same colloquy:

When did the Senator discuss this matter with the Attorney General?
Mr. WATSON of Indiana. On various occasions.

Not one time, not over the telephone, but on various occasions. Then I asked the question:

How came the Senator to discuss it with the Attorney General?
Mr. WATSON of Indiana. Because I had heard the rumor.
Mr. CARAWAY. Did the Senator believe it?
Mr. WATSON of Indiana. The rumor?
Mr. CARAWAY. Yes.
Mr. WATSON of Indiana. I did not.
Mr. CARAWAY. Then why did the Senator go to the Attorney General with it, if he did not believe it?
Mr. WATSON of Indiana. Because I am the kind of a man that if anyone of my friends is involved in any trouble I go and talk to my friend about it.
Mr. CARAWAY. And the Attorney General told the Senator it was not true?
Mr. WATSON of Indiana. It was not true.

Now, that is one more hoax laid to rest until to-morrow. A Representative from Kansas gave out an interview in the Daily News the other day in which he impugned my motives in this matter. I had no objection to his doing so. He is the man who pulls his forelock down between his ears and insults the memory of Bobbie Burns by pretending he resembles that great poet. He is the man who put in his pocket the rule to investigate Daugherty, which his committee had ordered him to report, and refused to report it. Of course, his statement was absolutely untrue and he doubtless knew it at the time he made it, but that does not detract from his reputation, as it is established.

I am going to say this, and I am saying it without heat or feeling because it is not worth that—that when anyone says that any information I have used in this matter came from anyone who was or is interested in anyone who was indicted or that is about to be indicted, either one of two things is true—he is absolutely without information or is telling a willful falsehood, because not a line of it came from that source. That will not, however, keep some folks from repeating it. I am conscious of that. But I shall say it just as plainly as I know how on any occasion.

This article from which I read says that this misunderstanding between the Attorney General and the Senator from Indiana [Mr. WATSON] came about because the Senator from Indiana had a telephonic conversation with Daugherty and had misunderstood or misconstrued his remarks. Those are two statements, and in each one there is something that is not true. First, the Senator from Indiana, as I have repeated over and over again, did not go to the telephone and call the Attorney General and advise him that the Morse case was up.

The Senator from Indiana was on the floor when I mentioned the Morse case. He rose and had to ask what case I was talking about. I told him the Morse case. Then he immediately entered his positive denial that the Attorney General had anything to do with the Morse case, and based his reason for the denial upon repeated conversations he and the Attorney General had had about the matter. Therefore, there is not any use now to offer that explanation further.

The Attorney General, I want to repeat, ought to be candid. He has apologists in the Senate and out who want to condone his offense, who rush to his defense when he is mentioned. He ought, in God's name, to tell them the truth one time, so that every time they offer a defense for him they may not utter a statement that is not true.

This article, as I have said, makes a statement that is not true; and yet I am as sure as I am of anything that the Attorney General told the writer of the article that it was true, and he, the writer, believed it. I am not impugning the writer's wish to tell the truth, because I am sure that he was repeating what the Attorney General told him was the truth. He was quoting Daugherty's explanation by way of apology to the Senator from Indiana. It says:

During the course of the debate Senator WATSON went a step further and indicated that the Attorney General had denied his connection with the case altogether.

The Senator from Indiana did not indicate it; he stated it positively.

Now, here are two statements. The Attorney General said he had nothing to do with the Morse case and that he did not get a cent out of it. In his letter of the 26th of May the Attorney General repeats that part of the statement. It happens to be as incorrect as the other statements he has made about this matter, as I shall show in a minute. I read now from a letter that the Senator from Wisconsin [Mr. LENROOT] put into the RECORD from H. M. Daugherty, Attorney General, of May 26. It appears on page 7710 of the RECORD of that date. The last paragraph reads:

As for compensation, I never received anything from Mr. Morse personally. All I ever received from anybody in connection with the Morse case, both civil and criminal, was about $4,000 advanced to me by Mr. Felder, and was about half enough to pay my necessary expenses and disbursements connected with over a year's active investigation, preparation, and service in the cases.

I have here what purports to be an interview with Thomas B. Felder, in which it is stated:

Flat and unequivocal denial that Attorney General Harry M. Daugherty "ever received one penny" of compensation for his efforts in behalf of getting Charles W. Morse released from Federal prison was made here to-day by Col. Thomas B. Felder, Georgia attorney, the Attorney General's partner in the famous proceedings.

Felder admitted that he (Felder) received a retainer of $5,000 and $1,000 expense money from Morse, "but this was paid," he said, "long before H. M. Daugherty had any knowledge of or connection with the case."

Colonel Felder declared he made several unsuccessful attempts to persuade the Attorney General to accept some compensation in the Morse case—chiefly stocks in one of Morse's enterprises—but each time the Attorney General refused to accept it.

The Attorney General wrote a letter which has been referred to before, but from which I am going to quote again. It may be a little more informative to lawyers than to other people, because lawyers know what a retainer means. Every lawyer knows that a retainer is not a part of the fee that he is to get for actual services rendered, but is the earnest money that is given him in order to induce him to accept the case of the litigant or to refrain from engaging on the other side of the litigation. Here is Daugherty's letter. It is authentic, and it is dated April 30, 1913:

I inclose you herewith copy of the letter setting forth the contract you made of August 4, 1911, with Mr. Felder for his services and mine. You will observe that I was correct in the statement that there was a balance due of $25,000 when you were commuted.

Everybody knows that "a balance" means that some part of a debt has been paid; that something has been received. Mr. Daugherty does not say that "the entire fee and compensation that you promised to pay yet remains unpaid," but, "you will observe that I was correct when I stated that there is yet a balance due. Over and above what you have paid you still owe $25,000."

Now, in the face of that statement, for Attorney General Daugherty now to say that he got nothing from Morse, and for Felder to say that the Attorney General got nothing from Morse borders upon the ridiculous; and certainly it is not a candid statement.

But let us see what was contained after the preliminary sentence in the letter of August 4, 1911, which Felder wrote to Morse and which Daugherty inclosed in his letter to Morse of April 30, 1913. Following the opening paragraph appears this statement by Felder to Morse:

1. You are to pay Hon. H. M. Daugherty a retainer of $5,000, and the actual expenses incurred by him in looking after your matters. Expenses not to exceed $1,000.

That would make $6,000.

2. I will pay such expenses as I may incur in connection therewith.
3. You are to direct counsel—

I will skip that and go down to the next paragraph.

4. We are to receive, in the event we secure an unconditional pardon or commutation for you, the sum of $25,000, which is to be in full compensation for services rendered in connection with your application for a pardon.

So they had this contract with Morse: First, "you are to pay Harry Daugherty $5,000 as a retainer"—that is, he must receive that before he acts at all—and $1,000 which is to be expense money, and then, if we get you commuted, you are to pay both of us $25,000, which is to be the fee. Felder then says, "I am to pay my own expenses."

In view of the circumstance for Daugherty now to say that he got no compensation in the case compels the statement that he lacks candor.

I have here the CONGRESSIONAL RECORD of May 22, 1922, on page 7378 of which appears a letter written by Colonel Felder, to which I desire to refer. The colonel, as we know, is a very free letter writer; he has written several letters to me. In his interview already quoted by me he says the $5,000 retainer fee and $1,000 for expense money were paid to him in advance of Daugherty coming into the case, but here is his contract that Morse signed on the 4th day of August, 1911, from which it appears that he was to pay Hon. H. M. Daugherty a retainer of $5,000 and the actual expenses incurred by him in looking after your matters. Expenses not to exceed $1,000. That makes $6,000.

2. I will pay such expenses as I may incur in connection therewith.

Felder was not to get any retainer; he was not to get any expense money; he was to get his half of the $25,000 contingent

upon getting a commutation or pardon for Morse. Daugherty was to get $6,000; $5,000 as a retainer and $1,000 expense money. I now quote from the letter which Colonel Felder wrote to Leon O. Bailey, Hanover National Bank Building, New York, N. Y., dated October 12, 1917, and which was written from Washington, D. C.:

This decision was communicated—

He had been referring to the refusal of the President to grant a pardon—

This decision was communicated by Mr. H. M. Daugherty and myself to Mr. Morse, who had agreed to pay $6,000 cash to cover expenses—

That indicates he is mixing the two accounts, for there was a $5,000 contingent fee and $1,000 expense money—

to cover expenses (this sum was paid)—

That is what Felder said—

and $25,000 conditional upon our obtaining his release from the penitentiary.

In view of Daugherty's letter in which he said that Morse would observe that he was correct that only $6,000 had been paid, because the balance due was $25,000. That is what it means—"You owe us $25,000, and you will see from this contract that I was right." He could see that from the contract only in this way—I refer again to Felder's letter to Morse—

1. You are to pay Hon. H. M. Daugherty a retainer of $5,000 and the actual expenses incurred by him in looking after your matters. Expenses not to exceed $1,000.

* * * * * * *

4. We are to receive, in the event we secure an unconditional pardon or commutation for you, the sum of $25,000, which is to be in full compensation for services rendered in connection with your application for pardon.

That was the contract, and Daugherty says:

You will observe that I was correct in the statement that there was a balance due of $25,000 when you were commuted.

The only way he could observe that was from the contract and from the fact that he had paid the retainer of $5,000 and the expense money of $1,000. That is the payment Harry Daugherty got—$6,000—because it will be seen from the contract which Felder sent to him that Morse was to pay $6,000, $5,000 as a retainer, $1,000 expense money, and $25,000 as a fee.

Now, for the Attorney General to say that he got nothing is absolutely futile, because everybody who can read will know it is not true.

But that is not all. I recall, further, that Mr. Daugherty now says, as I read a few moments ago from his letter, that he never got a penny from Morse personally, that all he got was $4,000 from Felder, but Felder in this interview says:

Colonel Felder declared he made several unsuccessful attempts to persuade the Attorney General to accept some compensation in the Morse case—chiefly stocks in one of Morse's enterprises—but each time the Attorney General refused to accept it.

Further along in this interview, which, if I may be permitted, I desire to put in the RECORD, Felder says that Daugherty never got a penny out of it. In 1917 he says they got $6,000, and Daugherty in 1922 says he got $4,000 from Felder, and Felder says Daugherty refused every time he offered anything to him. Well, at least they would do well to hold a conference before they give out their next statement.

Mr. President, I think that matter has been so thoroughly gone over that it is settled. The Attorney General and his apologists must fall back upon some other statement with reference to whether Daugherty got anything out of the Morse case. In this connection it is amusing to note the statement of the Senator from Indiana—and I believe he was telling the truth about it—that not only did Daugherty not get anything out of this case but that he was not even promised anything. I asked him this question:

Let me ask the Senator—

That is, the Senator from Indiana—

whether this was the truth then—that he tried to get that fee, and it was so large that the prisoner would not pay it?

Mr. WATSON of Indiana. Oh, no; nothing of that kind, of course.

And yet here is Daugherty's letter dunning Morse for exactly $25,000, and here is Felder's letter in 1917 saying that Morse would not pay it, and Daugherty cussed him out for everything he could think of, and denounced him because he would not pay it; and yet the Senator from Indiana, reporting what the Attorney General had told him, says that there is not anything in the statement that he ever tried to get a fee out of the Morse case.

Let me, however, call attention to another phase of the Attorney General's and Felder's connection, Mr. President. Here is a letter that came to me on the 26th of last month. It was handed to me on the floor of the Senate, and its significance did not dawn on me at the time. I want to read two paragraphs from it. It is written by Col. T. B. Felder. The letterhead is—

FELDER, CHOROSH & M'CROSSIN.

Thomas B. Felder, William H. Chorosh, Edward J. McCrossin, Benjamin Shapiro, Counselors at Law, 165 Broadway, New York. Cable address, "Felderlaw." Phone, Cortland 7986.

He says:

I note that from day to day you continue your attacks upon the Attorney General and myself.

The Attorney General holds a public office, and I assume that you have a right to attack him as often and as viciously as you see fit. I am a private citizen engaged in the practice of law. I have been so engaged since I was 18½ years old. I have endeavored from the date of my admission to the bar to live up to the high standards and ideals of my profession. I can truthfully say that I have never, under any temptation, committed consciously an unprofessional act.

And so on. I just want you to know how highly he speaks of himself; and then he says that in view of that fact he does not see how I can say these cruel things about a gentleman. I want to assure him that I did not; but here is the important thing:

H. L. Scaife was employed in the Department of Justice. He resigned. The Senator from Ohio [Mr. WILLIS] and I fell into the error of thinking he had been discharged, and the Senator from Ohio said he, Scaife, had that bitterness that came from being discharged. He was not discharged. He resigned because the Attorney General would not prosecute certain cases that he had been set to investigate, and he believed they were to be whitewashed, so he resigned. He then furnished information on which WOODRUFF and JOHNSON, two Republican Members of the House, made speeches. Then later Colonel Felder came to Washington. He sent an agent to hunt up Captain Scaife, and asked him to call on him, Felder, in his room in the Shoreham Hotel. Scaife went, and Felder said: "I come to you at the request of the Attorney General. I represent the Bosch Magneto people—not the people that now own it, the American people, but the Germans who owned it before it was seized by the Alien Property Custodian. I represent them, and the Attorney General wants me to hire you to act with me to recover this property for them, and therefore I have come to employ you." Scaife was offered a substantial sum to engage in this matter. He evaded the offer. Felder said: "I have already had a talk with the Attorney General. We agree. I have talked for an hour and a half with Colonel Goff, who is handling this Bosch Magneto matter, and we agree. The Attorney General only wants me to hire you in this matter, and then it is all right."

Captain Scaife, I want to repeat, was the man who made the investigation, or one of them. He was the man that the Attorney General must rely upon if he successfully resisted a suit by the German claimants of this property; and at the request of the Attorney General Felder tried to hire away from the Government the man who could have been most helpful to the Government or most hurtful to it.

That statement never was denied. It went into the RECORD on the 5th day of May, 1922, and is there until to-day undenied. Neither the Attorney General nor Felder ever denied it. Felder wrote me this letter, and it contains his plea of guilty and avoidance. He says:

It is inconceivable to me—

And I beg the pardon of the Senator from Georgia for putting it into the RECORD—

that in the light of the facts that any United States Senator, save and except TOM WATSON, could make the charges against a gentleman that you made against me in connection with both the Morse and Scaife matters.

As I remarked awhile ago, I never talked about a gentleman in this case at all.

As to both matters I feel that I have not only clean hands but a clear conscience. I have fully discussed the Morse situation heretofore—

That is true. He has given out four different statements, every one of them false and neither one of them true.

I have fully discussed the Morse situation heretofore, and I now desire to take up with you the charges in relation to the Bosch Magneto case. You charge that I had been employed by the conspirators to protect them against punishment.

I never made any such charge. I said that he and the Attorney General had gone into an agreement to defraud the Government.

As a matter of fact, I was employed not by the American Bosch Magneto Co., the company that bought the seized property, but by the Bosch Magneto Co., the victim of the alleged conspiracy—

That is, he does not represent the company which has the property, but he is employed by the German owners who did own it prior to the time the Alien Property Custodian seized it

because it was the property of alien enemies. He represents these foreign owners—

the victim of the alleged conspiracy by the company—

That is, by the German company—

in connection with whose affairs it was charged on the floor of both the Senate and House—and I think the charges are correct—that the Government had been defrauded. The interest of my client and of the Government is in complete harmony and accord. If you entertain the slightest doubt as to this, I would suggest that you send for Major Scaife and get the facts from him at first hand. I am also ready to have the client to whom I referred in my letter to Congressman WOODRUFF call upon you and explain the full facts.

That is, he claims that he can show by his client that it would be to the Government's interest to let the German owners of the property regain it. The Government having sold it, and therefore being unable to deliver it, would be compelled to pay to these aliens whatever it is worth. I saw Major Scaife yesterday, and he said, "Why, the statement of Felder is absolutely untrue." He said that if the people that Felder now says he represents, the old German owners, were to recover, it would mean that the Government would have to pay anywhere from two to five million dollars, and the former German owners would be the profit takers and the American taxpayers would be the victims; and yet Felder does not deny, nor has the Attorney General denied, that they entered into an agreement whereby Felder was to represent these alien enemy owners whose property had been seized because they were alien enemies and sold to an American company; that he and the Attorney General had entered into an agreement whereby Felder was to represent one side, and of course the Attorney General was representing the other, and the taxpayers were to pay whatever the judgment might be; and he says now that there is no incompatibility between his interest and the Government's position.

I rather think he meant to say that there was no incompatibility between the interest of the Attorney General and himself, that they would profit, but, of course, the American people would pay the bill, whatever it was.

I overlooked the significance of that letter, because it opened with a plea and closed with a threat. He said this in his conclusion:

The only motive that I have is to leave to my young son the name that I bear as unsullied and as untarnished as I received it. I do not propose to be further vilified or slandered by you or any other man under Senatorial immunity. I am requesting man to man that you immediately cease your vilification of me. I make this request in seriousness and sincerity.

I am,

Very truly yours, THOMAS B. FELDER.

I did not refer to that before, because I did not want to make my friends uneasy for fear I was going to die prematurely, and, therefore, when I saw that threat I threw the letter in the desk and waited to see what would happen. I am not talking under Senatorial immunity, because, to satisfy this punctilious gentleman who has a colonel's prefix—though whether he got it by marriage or like he got into the Morse case, I do not know—I said some time ago, in order to get rid of answering letters, that I would waive all personal immunity. I do not intend to waive a legal right and be sued by a blackmailer, but personally I waived quite a long time ago any immunity that Mr. Felder thought I had, and that waiver stands now, and I am still talking about him, and he has not called on me yet, and is not coming. That is settled. But the reason why I read that letter is to show that here is one party to that agreement who has the effrontery to say that while he and the Attorney General had entered into the conspiracy as Scaife said he told him they had, yet that there was nothing incompatible in their relationship one with the other; that the Attorney General, representing the Government, and he, who was to sue the Government for the alien owners of this Bosch magneto, were representing the same interest, and, therefore, they could conspire together and hire each other's witnesses away from one another without any impropriety.

This inspired article says that the President thinks that this is a tempest in a teapot and will soon blow over, that the American people will soon forget, and that the President has the utmost confidence in his friend, who made him President, and does not think he [Daugherty] did anything ethically unwise or morally wrong. The article then says:

The paradox of the situation which is as much a mystery to the administration as people outside of it is why the Attorney General should be attacked to-day for helping to free Morse a decade ago when to-day the Department of Justice is doing everything in its power to put Morse back in jail.

I do not believe that there is anything paradoxical about it. Morse never paid his fee, so why should he not go to jail? He got out under a false representation that he was sick, and the Attorney General helped him perpetrate the fraud, and then he, Morse, perpetrated a fraud on the Attorney General, and would not pay his fee. I do not blame the Attorney General for wanting to put him back in jail, and I do not know why it should be said that it seems paradoxical that the Attorney General is pursuing him now. He is the only man the Attorney General is pursuing that I know anything about.

Then the article makes this further statement:

All sorts of conflicting rumors are afloat as to the purpose of the attack. Senator CARAWAY is held immune from any connection with the influences at work to discredit Mr. Daugherty, but it is charged again and again that information is being furnished Democratic Senators in the hope that they will keep up such a bombardment of the Department of Justice as to stave off possible prosecutions of persons prominent in a previous administration.

Whoever told the writer that silly falsehood ought to apologize to a reputable newspaperman for having him repeat it. He says "Democratic Senators." I do not know what has been furnished to other Democratic Senators. Not a line has come to me from anybody interested; and I want to call attention to the silliness of that kind of a smoke screen. The Attorney General was not doing a thing on earth but sitting up and drawing his salary and rewarding his friends and giving out interviews that the Civil Service ought to be abolished in order to help his friends into office. He was not prosecuting anybody. He was not investigating anybody. Everything was as serene as a spring day until this fight on the Attorney General commenced, and the papers to-day say that the Attorney General has 40 rooms to hold the lawyers that he had gotten together to prosecute the criminals. If any persons are trying to shield criminals by stirring up the Attorney General, they exercise no more intelligence than the Attorney General did when he gave out his interview about not having a thing to do with Morse, because if anybody goes to jail it will be because people have attacked the Attorney General and made him get busy.

He was not doing a thing. He was not threatening to do anything. Since the attack came he got $500,000, using part of it to hire a man away from a local paper here to be his publicity agent, and give out these big scare heads about Democrats going to jail. He took part of it to investigate Members of Congress who talked about it. I presume that is where the money came from; I do not know where he got the funds if they did not come from that source. That is his investigating fund. But up until this attack commenced he was not prosecuting anybody anywhere, and that silly statement that somebody is trying to throw up a smoke screen does not do credit to their intelligence. I have a 6-year-old boy, and if he would believe a thing like that I would send him to a school for the feeble-minded. He could not learn anywhere else.

Mr. President, I ask unanimous consent to incorporate in the RECORD the article in yesterday evening's Star, from which I read, and the article from the Times containing the conflicting statements of Felder and Daugherty, if there is no objection.

The VICE PRESIDENT. Without objection, it is so ordered.

The articles referred to are as follows:

PRESIDENT RETAINS FAITH IN INTEGRITY OF MR. DAUGHERTY—BELIEF HELD ATTORNEY GENERAL MERELY MADE POOR DEFENSE—KNEW OF MORSE CASE BEFORE APPOINTMENT—RUMORS CREDIT ATTACKS TO PERSONS DESIROUS OF HAMPERING WAR FRAUD PROBES.

(By David Lawrence.)

Attorney General Daugherty will not resign. President Harding has not asked him to do so and he never will. Mr. Harding has unlimited confidence in the integrity of his Attorney General and does not believe him guilty of anything wrong in the Morse case.

This is the inflexible attitude of the administration as revealed to-day after the President and his advisers returned from a cruise on the Mayflower, where the impression caused by the attacks in the Senate against the Attorney General was the subject of informal discussion.

Practically everybody in the administration group admits that Mr. Daugherty handled his own defense poorly and that the mix up between him and Senator WATSON of Indiana was most unfortunate. But on the basis of what has happened to date the administration feels no less confidence in Mr. Daugherty, nor does it feel that when all the facts and influences attempting to injure the Attorney General are exposed in the forthcoming war prosecutions the public will have an unfavorable impression of the man at the head of the Department of Justice.

PRESIDENT KNEW OF MORSE CASE.

There is something more than personal friendship and loyalty in Mr. Harding's attitude toward his lifetime associate and political mentor. It's true that to Harry Daugherty more than anyone else Mr. Harding owes his nomination at Chicago in 1920, which was equivalent to an election. It's true that Mr. Harding is under obligation to Mr. Daugherty, but it is also a fact that Mr. Harding knew in the fall of 1920 everything about the part Harry Daugherty played in obtaining a pardon for Morse under the Taft administration and that he did not consider it a bar to the appointment of Mr. Daugherty.

If Harry Daugherty had come out immediately after his connection with the Morse case was mentioned in Senate debate by Mr. CARAWAY, of Arkansas, and said: "Yes; I was an attorney for Morse and helped get him a pardon—I was a private lawyer then and had a right to defend my client"; no one would have thought any more about the incident. But in a telephone conversation between Harry Daugherty and Senator WATSON of Indiana, a misunderstanding occurred. This correspondent is presenting the version of that conversation which is told by friends of Mr. Daugherty.

Senator WATSON had communicated by telephone the fact that Senator CARAWAY had revived the Morse case. Mr. Daugherty, who had been hearing about the Morse case for 11 years, was not perturbed by it. In Ohio politics Mr. Daugherty has some violent opponents as well as stanch friends. The skeleton of the Morse case has been rattled every time Mr. Daugherty has been in the public eye. When Mr. WATSON of Indiana told him it was up again the Attorney General told him not to worry, as he hadn't received a cent from Morse. Mr. Daugherty imagined that the conversation related to whether he had received any money, and he authorized Mr. WATSON to deny it. During the course of the debate Senator WATSON went a step further and indicated that the Attorney General had denied his connection with the case altogether.

CALLED ERROR IN JUDGMENT.

In support of the contention that the Attorney General could not have claimed any such thing, administration supporters insist that Mr. Daugherty would never deny what had been common knowledge, and what had been printed in the newspapers at the time of his connection with the Morse pardon. The error in judgment which Mr. Daugherty made in ignoring the Senate proceedings for nearly three weeks before issuing a statement of explanation is now freely admitted by the administration group, but this was due as much to Harry Daugherty's own feeling that nothing new had been developed, and nothing injurious, as it was to the feeling of others in the administration circle who believed the whole thing a tempest in a teapot which would blow over if let alone.

There is reason to believe that the criticism which has swept the country because of Mr. Daugherty's belated explanation has not penetrated very deeply here. The view prevails that the incident soon will be passed by, and that the continued confidence of President Harding in Attorney General Daugherty will be demonstration enough that he doesn't think his friend did anything ethically unwise or morally wrong.

The paradox of the situation which is as much a mystery to the administration as people outside of it is why the Attorney General should be attacked to-day for helping to free Morse a decade ago when to-day the Department of Justice is doing everything in its power to put Morse back in jail. It is a fact that when the Shipping Board developed its case against Morse and asked the Attorney General about it he unhesitatingly told the Shipping Board to go ahead and then and there mentioned his early connection with the Morse case and the possibility of misunderstanding if he himself were to undertake the prosecution personally. He authorized, however, the appointment of a special Assistant Attorney General to handle the prosecution of Morse, and it was not until several weeks after this was done that the attack came in the Senate.

All sorts of conflicting rumors are afloat as to the purpose of the attack. Senator CARAWAY is held immune from any connection with the influences at work to discredit Mr. Daugherty, but it is charged again and again that information is being furnished Democratic Senators in the hope that they will keep up such a bombardment of the Department of Justice as to stave off possible prosecutions of persons prominent in a previous administration. The air is full of these charges and countercharges, but the answer of the administration is a decision to go ahead with the prosecution of Morse and everybody else who is now indicted or may be for connection with war contracts.

—

T. B. FELDER SEES PLOT TO INJURE ATTORNEY GENERAL—GEORGIA ATTORNEY SAYS HE GOT ONLY FEE PAID BY BANKER FOR HIS RELEASE.

The names of 23 men were drawn to-day by the jury commission to serve as an additional grand jury which will hear and investigate the evidence to be laid before them by Attorney General Daugherty concerning alleged fraudulent war contracts. The talesmen summoned will appear before Chief Justice McCoy in the District Supreme Court at 9 o'clock Thursday morning, when they will be examined for qualification.

[By International News Service.]

NEW YORK, May 23.—Flat and unequivocal denial that Attorney General Harry M. Daugherty "ever received one penny" of compensation for his efforts in behalf of getting Charles W. Morse released from Federal prison was made here to-day by Col. Thomas B. Felder, Georgia attorney, the Attorney General's partner in the famous proceedings.

RETAINER WENT TO FELDER.

Felder admitted that he [Felder] received a retainer of $5,000 and $1,000 expense money from Morse, "but this was paid," he said, "long before H. M. Daugherty had any knowledge of or connection with the case."

Colonel Felder declared he made several unsuccessful attempts to persuade the Attorney General to accept some compensation in the Morse case—chiefly stocks in one of Morse's enterprises—but each time the Attorney General refused to accept it.

Neither did Daugherty sign the contract of August 4, read in the Senate by Senator CARAWAY (Democrat), of Arkansas, under which Morse agreed to pay $25,000 to Felder and Daugherty for procuring his release, Felder said to-day.

"I sent a duplicate copy of the contract to Daugherty with a request that he sign it," Felder said, "but so far as I know he never considered he was a party to this contract, and from time to time he declined to accept anything to which I thought he was entitled."

TELLS OF NEW YORK CONFERENCE.

Felder said his files showed that he came to New York on April 13, 1913, at Daugherty's request, for a conference with Morse over the litigation of the Metropolitan Steamship Co., one of Morse's enterprises.

"The day after this conference," Felder said, "I called at the office of Charles W. Morse and demanded payment in my own behalf of the $25,000 contingent fee. Morse said he did not have the money, but offered me a block of stock in the Morse Securities Co., which I accepted. I was assured the stock was valuable and dividends were being paid, but none were paid.

"Some time later, realizing the stock was useless, I again called on Morse and demanded that he take back the stock and pay my fee. He admitted the stock I held was worthless, and turned over to me 2,000 shares of stocks that had a par value of $10,000 a share. From this stock I secured some dividends, but the stock began to decline soon and is now worthless.

"Several times I offered one-half of what I secured to Mr. Daugherty, and each time he refused to accept it.

"I make the assertion boldly that this groundless assault on Daugherty is the result of a deliberate conspiracy entered into by people who have plundered the Government to discredit him."

WRITES LETTER TO WATSON.

Felder to-day set forth his position exonerating the Attorney General in a letter to Senator JAMES E. WATSON, Republican, of Indiana, who was the first to deny on the Senate floor that Daugherty had ever received any compensation in the Morse case.

Colonel Felder further charged that the effort "to get Daugherty" is connected with the Government's investigation of the notorious Bosch Magneto case.

In a statement to-day Felder said:

"Martin E. Kern, of Allentown, Pa., a German alien who served three terms in the penitentiary, bought this property, and he and his assistants benefited millions of dollars.

"The Department of Justice actively took up investigation of this case, and failing to deter the Department of Justice, the people behind that case have inaugurated a campaign with Senator CARAWAY and Senator TOM WATSON, of Georgia, to discredit and stigmatize the Attorney General.

"Senator CARAWAY stated on the floor of the Senate that I was employed in the Bosch Magneto case to protect conspirators. This statement was absolutely false."

—

WICKERSHAM, PALMER, AND MCADOO LINKED IN DAUGHERTY EXPOSE.

[By William K. Hutchinson, International News Service.]

Four Cabinet officers from three successive administrations were linked up to-day with the Morse case, which already has aroused political Washington to fever heat.

Three Attorney Generals and a Secretary of the Treasury—Wickersham, Palmer, Daugherty, and McAdoo—named already on the floor of the Senate, are facing systematic delving into their records by political opponents. Threats of future developments in the ever-widening circles of the case are rivaled only by the records already made public.

CARAWAY "JUST STARTING."

Senator CARAWAY, Democrat, of Arkansas, announced to-day his attacks on Harry M. Daugherty, Attorney General in Harding's Cabinet, and George W. Wickersham, Attorney General in Taft's Cabinet, were "just starting."

On the other hand, Senator MOSES, Republican, of New Hampshire, declared developments in the case would "seriously embarrass" William Gibbs McAdoo, Secretary of the Treasury, and A. Mitchell Palmer, Attorney General in the Wilson Cabinet.

The revelations to date involved these Cabinet officers as follows:

Attorney General Daugherty, charged with knowledge of fraud perpetrated upon President Taft in the procuring of a pardon for Charles W. Morse, New York banker, in 1911, charged with having accepted a $5,000 retainer from Morse for his work in procuring the pardon. Charged with signing a contract to obtain Morse's release for $25,000.

Attorney General Wickersham, charged with knowledge of fraud in the procuring of a pardon for Morse.

Former Secretary of the Treasury McAdoo, charged with accepting a fee from Morse in connection with a Shipping Board case during the war.

Former Attorney General Palmer, charged with "embarrassing deeds" in connection with the sale of the Bosch Magneto Co., in which Morse was interested.

REPUBLICANS ARE WORRIED.

Born of a denouement in the Senate by Senator CARAWAY, the Morse case has usurped all talk in Senate corridors. Republicans to-day were plainly worried, awaiting the "next blow" from CARAWAY. On the Democratic side the threat of Senator MOSES that the publishing of certain records in the Morse and Bosch Magneto cases "would seriously embarrass and impugn the records" of Palmer and McAdoo had a disheartening effect.

CARAWAY first charged that Daugherty had conspired with Thomas B. Felder, an Atlanta pardon attorney, to obtain Morse's release. Denials, by Republican Senators, resulted in CARAWAY producing a "photostatic copy" of the purported "pardon contract" signed by Daugherty, Felder, and Morse. CARAWAY continued his attack by charging Daugherty and Felder knew that Morse's release had been obtained through the "injection of poisonous chemicals" to fool examining physicians who decided he was suffering from Bright's disease.

Going further, CARAWAY charged Daugherty and Felder knew of this purported "fraud" and had conferred with Attorney General Wickersham, impelling him to refrain from asking Taft to revoke the pardon. Wickersham, CARAWAY said, also knew of the alleged fraud.

Both sides in the Senate to-day were anxiously awaiting further developments.

Attorney General Daugherty remained silent to-day concerning his connection with the Morse case, and it was announced at the Department of Justice that he would not hold his usual conference with newspaper correspondents this afternoon.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. UNDERWOOD. Mr. President, before the vote comes on paragraph 219, I wish to say a few words in reference to it. As I have stated several times in the course of this debate, when the present law was written one of the purposes of the committee in drafting the law, and I presume the purpose of the Congress in passing it, was to remove taxation from that class of articles which were largely necessities of human life, and from that class of articles which went into the construction of homes in America. I have already pointed out what was done in the framing of the present law in the matter of the removal of taxes or the reduction of taxes on lumber, on cement, and on many other articles which go into the home.

We now reach the paragraph which covers window glass. A home could hardly be a home unless it had windows to allow the sunlight of heaven to pour in upon the rich and the poor alike. Paragraph 219 was rather a remarkable paragraph, as reported by the committee, when this bill first came before the Senate. I am glad to congratulate the committee on the fact that this morning they modified their views and reduced to some extent the burden of taxation which they intended to levy.

They have also changed the form of classification. I do not blame the committee for changing the form of classification under the original excessive taxes which they proposed to levy. Under the tariff laws which have heretofore been passed in reference to this article this paragraph read:

Unpolished, cylinder, crown, and common window glass.

That is in the present law, and that language was also in the Payne-Aldrich act of 1909. But the committee changed the classification by making it read:

Cylinder, crown, and sheet glass.

Of course, sheet glass means common window glass. I suppose that if the committee had not put a 50 per cent ad valorem tax on all the glass in this particular paragraph, there would have been no particular reason for striking out the words "common window glass" and inserting in place thereof "sheet glass."

As the paragraph was originally reported to the Senate it fixed specific rates on the various sizes of glass, so many cents a square foot, and then wound up by providing that "None of the foregoing shall pay a duty of less than 50 per cent." As there was none of this class which paid a duty before of anything like 50 per cent, and not much of it would have paid a duty of as much as 50 per cent if this specific rate had been left, when the committee reported the bill to the Senate it practically amounted to providing a rate which would require the rich, who have the great plate-glass windows, and the poor, who have the common window glass, alike to pay a tax of 50 per cent. In other words, on every dollar they pay for their window panes they were to add at least a half a dollar more in the shape of a tax, to go to the Government if the glass was imported, and if bought at home, a tax to go to the manufacturer of glass. But I am glad that the committee has had a change of heart, and has concluded at least to go back to the rates which in the lower brackets approximate the Payne-Aldrich rates, which were cut in two under the present law.

This paragraph provides for the making of window and plate glass that is unpolished. The next paragraph provides a higher tax on the glass when it is polished. But the proposition is the same. I will not apply my statement to all the glass that is made for windows, but, practically speaking, this is the condition which confronts the importation and the manufacture of glass:

The bigger the plate of glass is, the more inches it extends in length and breadth, the higher the price; the smaller it is in length and breadth, the lower the price is; and that is why the man who lives in a humble house has small window panes in his house.

Of course, as the price of glass is higher when the width and breadth are greater, the manufacturer endeavors to make his glass as wide and long as possible, whether it is made by machinery or whether it is made by hand. But glass is brittle. Glass is difficult to keep in large shapes, and it breaks, and when it breaks the manufacturer takes the broken pieces, cuts them into smaller sizes, and sells them in smaller sizes, because he has lost the opportunity to make the greater plate. This applies particularly to the next paragraph, covering polished glass, because, of course, a great deal of the breakage comes in the polishing of the glass; but it also applies to this paragraph.

This breakage produces the culls of this industry. It is what you might call a by-product. It is something that happens when the real objective of manufacture is not obtained, to wit, the making of the larger piece of glass. Of course, when you come to the by-product, the cull that is thrown off, that is something which must be disposed of, and all manufacturers want to get rid of it. Their prime object in manufacturing is the great sheet of glass. The smaller glass, which comes from the culls, must be disposed of, and the competition on glass coming from abroad is in that class. This I have gotten from witnesses who came before the Ways and Means Committee of the House of Representatives when the present law was written and when the Payne-Aldrich bill was before the House, that the main competition does not lie in the great sheets of glass. This book giving the information published by the Tariff Commission makes the same statement, that the active competition which the manufacturer desires protection against is not in the broad window panes, but is in the culls, and although the committee cut the rates in the balance of the lines in changing this schedule, they made no cut in the rate on the culls, in which the real competition is found, in the very first bracket as the bill was originally reported.

The bill provides:

Cylinder, crown, and sheet glass, by whatever process made, unpolished, not exceeding 150 square inches.

"Sheet glass" should read "common window glass."

A plate of glass measuring 150 square inches, if it was square, would be a little above 12 inches square, so this bracket covers all the glass from a foot square down. There is no question about whose houses glass a foot square goes into. It goes into the houses of the people of this country who are least able to pay this tax, and yet the committee in making this reduction from its first proposal this morning reduced every rate except the first rate.

The present law put a tax of seven-eighths of 1 cent on this plain glass. The committee, in reporting the bill, increased that rate to 1¼ cents a pound. The chairman of the committee—and I have not verified his figures, but I will assume they are correct, for the sake of this argument—states that under this tax of 1¼ cents a pound on glass from 12 inches square down, the present rate would amount to about 20 per cent ad valorem.

I have not worked it out for 1921—that is, nine months, and it is not given in this bill—but I am reading from the Summary of Tariff Information as furnished by the Tariff Commission, and for the year 1918, under the present law, the Tariff Commission says that the ad valorem rate on the goods imported was 8.84 per cent, less than 9 per cent.

Mr. SMOOT. The price at that time was 10 cents a pound, and to-day it is 6 cents.

Mr. UNDERWOOD. I am not talking about the price. Of course, the price varies. If we go back and take the present rate it will not change the prices that we shall probably have after war prices have ceased.

Mr. SMOOT. Some of these articles, I will say to the Senator, are cheaper now than they actually were before the war.

Mr. UNDERWOOD. I am not responsible for the figures, as I said in the beginning, which the chairman of the Committee on Finance announced to the Senate. I have not had a chance to work them out. I am assuming that he is correct, and I am sure that he did not overstate them.

In 1919 the imports of this particular article of glass embraced in the first bracket were 4,443 pounds, valued at $50,708. According to the way the Tariff Commission worked it out, they say that is equal to an ad valorem tax of 6.98, or just a little below 7 per cent. In 1920 they tell us the imports amounted to 3,190,492 pounds, valued at $319,395, and that the ad valorem rate amounted to 8.74 per cent, a little less than 9 per cent. I assume that the Tariff Commission are correct in working out the ad valorem equivalent on this glass that is 12 inches, or under, square. If that is true for 1918, 1919, and 1920, the three years that are worked out in the report, there was not an equivalent ad valorem rate on one of the articles, for the three years where the Tariff Commission worked it out, of as much as 9 per cent ad valorem.

Mr. SMOOT. That is true.

Mr. UNDERWOOD. It can not be otherwise. It is here. It is the record.

Mr. SMOOT. There is no doubt of that; but at the same prices it could not be more than 12 per cent under the rates we have reported here. It is only the difference between seven-eighths of a cent and 1¼ cents per pound.

Mr. UNDERWOOD. The Senator from Utah is always very pleasing in his explanations, but I will say——

Mr. SMOOT. Does the Senator from Alabama deny that?

Mr. UNDERWOOD. Just let me tell the Senator this: The Senator from North Dakota said he based this 20 per cent on the imports of 1921.

Mr. SMOOT. Oh, no; Mr. President——

Mr. UNDERWOOD. Of course the Senator from Utah was not present when the Senator from North Dakota said that, and if he wants to deny what the Senator from North Dakota said in his absence he can do so. I listened to the Senator from North Dakota and I understood him to say that the basis of his figures was the imports of 1921. If I am incorrect, I want to know it.

Mr. McCUMBER. Mr. President, I can make that definite now. I gave the figures as based on the first nine months of 1921, the average import price. Taking the first bracket, the average import price value was 6 cents a pound, and, of course, at 1¼ cents per pound we would have an equivalent ad valorem of 20 per cent. At seven-eighths of a cent per pound on the same basis it would be an ad valorem equivalent of 15 per cent. So the difference between the Underwood law and the

pending bill upon the first bracket would be 5 per cent ad valorem.

But may I correct the Senator from Alabama in one statement he made, and that is that if we would take the pre-war prices, the equivalent ad valorem would be about 40 per cent, or double. The pre-war price in 1914 was 4 cents as compared with our 6 cents. Therefore, it was two-thirds as high as it is at the present time, or a difference of 2 cents per pound. I do not know whether the Senator was here, but I gave the different prices on the pre-war basis as compared with the prices on which we are basing our ad valorem rates, namely, the first nine months of 1921. On the fourth bracket they are just the same as pre-war, and on the other brackets below they are very close to the same.

Mr. UNDERWOOD. I understand that, and that is just the logic of my argument. I am glad the Senator from North Dakota has set the Senator from Utah right.

Mr. SMOOT. The Senator from Utah understood that the Senator from Alabama was talking about the year 1920.

Mr. UNDERWOOD. Oh, no; the Senator can refer to the RECORD and see that I did not say that.

Mr. SMOOT. I say the Senator from Utah understood that that is what the Senator from Alabama said. I may have been mistaken. I said the price for 1920 was 10 cents, and the Senator will find that that is the case if he will look at the figures.

Mr. UNDERWOOD. But I did not say that.

Mr. SMOOT. Then I misunderstood the Senator.

Mr. UNDERWOOD. I said the Senator from North Dakota based the statement I read on the figures of 1921, and making the comparison, I read what the Tariff Commission said in reference to 1918, 1919, and 1920. They have not followed the figures out and made an estimate for 1921, but I read what they said for those three years, and then I said that the Senator from North Dakota had said that this rate, based on the figures for 1921, would be equal to 20 per cent.

Mr. SMOOT. That is what I said.

Mr. UNDERWOOD. Then there was no occasion for the Senator to interrupt me in my statement, because it is perfectly clear.

Mr. SMOOT. I misunderstood the Senator.

Mr. UNDERWOOD. Of course, we all sometimes misunderstand each other.

Mr. President, of course, as the Senator from North Dakota has said, when they get to the higher brackets they do not increase the ad valorem rate so much. I knew that when I started, because the high brackets of this glass show it. For instance, the last sizes of glass are 2,400 square inches. That is something like——

Mr. SMOOT. Four by five feet.

Mr. UNDERWOOD. Yes. That is the last bracket and includes anything above 2,400 square inches. It covers the great plate-glass windows of luxuriant department stores or of the luxuriant homes.

Mr. SMOOT. It is unpolished.

Mr. UNDERWOOD. I mean when it becomes polished. Of course, this is the base on which the polished glass is made. I am speaking of the raw material now, because when you get the raw material then you increase the tax on the finished product. But this is the base on which you put the glass in the fashionable stores and the plate-glass window of the palace, and you do not make such a very great increase when you come to that. You make the same discrimination when you come to the next paragraph, 220, polished glass, the finished product.

The last product that you tax are the great windows of luxury, which you tax at 2½ cents per pound. The article that must go into every little home of America you tax at 1¼ cents per pound, and yet this broken glass, this refuse of manufacture, is taxed. Of course not all of it is of that character, some of it being made for that purpose, and that is where the competition comes in. Competition in glass comes from the smaller pieces which are made where the manufacturer fails to accomplish his objective and make the larger piece of glass. I have had that detailed before committees time and time again. In other words, you are going to take the culls of manufacture and put your burden of taxation on them in order that you may increase the cost of building the home.

This is nothing new. You have done it in reference to lumber, you have done it in reference to cement, and you have done it in pretty nearly every article that goes to build a home. You are not going to get much revenue out of it. It is not productive of much taxation at the customhouse, because these people are perfectly capable of meeting the competition in the great proposition of manufacture. Where this glass is not made of the culls or broken glass, it is manufactured by machinery, and the Tariff Commission itself says that for machine-made glass the American manufacturer stands on an even basis with the manufacturer abroad.

More than that, the glass industry in America has a natural protection of its own that many other commodities do not have. Freight rates are high on glass. It is bulky and difficult to handle. The rates are much higher than on other commodities. Therefore to carry glass from abroad to the domestic market in the United States the freight rate is an item of consequence. Insurance is a serious matter. Men who ship glass insure the cargo against the danger of breakage and that costs money. So there is a very considerable item of transportation on all glassware moving from a foreign market before it enters the domestic market, which is to the benefit of the local manufacturer.

Of course, I know that the committee will answer, when I read them the figures of importation, that it may be true now, but that the war is over and that it is going to vastly increase in the near future, as every other article is going to increase in the imagination until the pending bill is passed. In 1914 the production of glass amounted to 400,000,000 pounds. That was when the industry had full competition from Belgium. Belgium was the principal manufacturer of glass that came in competition with the American producer in the American market. But during the war the Belgian mills were closed because Belgium was occupied by the German Army. After the war was over Belgium was back in possession of her own, and by the beginning of the year 1919 the production was increasing. The production in 1919 was 368,912,209 pounds, valued at $41,000,000. I thought I had in my hand the imports for 1919 summarized, but I do not find them. However, for 1919, in the first bracket, they amounted to 404,443 pounds; in the second bracket they amounted to 112,811 pounds; and so on down. I shall not take the time of the Senate to read them, because I have not added them up, but I will make a comparison of the imports in 1914, for which I have the figures in hand.

I stated awhile ago the production in 1914, when Belgium was in full blast and the rates under the present law were in effect. The Senator from Utah [Mr. SMOOT], however, suggests to me that Belgium was being shot to pieces in 1914, and so I will go back and take 1913. I have not the production for 1913, but the imports into this country in 1913 were 20,458,970 pounds, as compared to a production in 1914 of 400,000,000 pounds—20,000,000 pounds as against 400,000,000 pounds. So the imports amounted to about 5 per cent of the American production. Those figures may not be absolutely accurate, but they are substantially correct; and it appears that when commerce was unimpeded, importations coming from Europe were unobstructed, and the rates of the present law were in force, the imports amounted to only about 5 per cent of the American production, and, of course, less than 5 per cent of the American consumption. If anybody can say that when the industries of America have 95 per cent of the control of the American market they are going to be destroyed because somebody imports 5 per cent of the glass that America consumes, I think he has a vivid imagination.

Of course, the manufacturer wants the entire market in his own line; but what are we going to do for the Government? It is said by the majority party that they are going to levy taxes in order to collect revenue at the customhouse; but until we let some of these articles flow through the customhouse we can not collect any revenue, because nothing will come in upon which to levy the tax. Is 5 per cent too much for the Government's share, leaving 95 per cent upon which the manufacturer may charge increased prices behind an adamant tariff wall?

I think that under any fair adjustment of tariff taxes the Government should be allowed to have some opportunity; but if we increase the rates we are going to make them so high that we shall shut out importations, as will undoubtedly be the case in these lower brackets, if this paragraph is permitted to stand as reported to the Senate, proposing to levy a tax of 50 per cent ad valorem. Importations will be reduced to a certain extent even by raising the present rates as now proposed by the committee amendment, and the American people will be compelled to pay that additional tax to the manufacturer without, so far as I can see, any justification whatever.

Mr. KELLOGG. Mr. President, will the Senator from Alabama yield to me?

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Minnesota?

Mr. UNDERWOOD. I yield.

Mr. KELLOGG. Did I understand the Senator from Alabama to say that this bill carries a duty on ordinary building lumber?

Mr. UNDERWOOD. No. I said that under the present law, as it was written when I was chairman of the Ways and Means Committee, lumber was placed on the free list.

Mr. KELLOGG. And it is on the free list in the pending bill also, is it not?

Mr. UNDERWOOD. In some respects, I am free to say that the committee was wise enough to follow the example set for them in the present law, undoubtedly; but on other grades of lumber they have increased the rate of duty as to most articles that go into the building of homes; they have largely increased the duty over what it is in the present law.

Mr. KELLOGG. Building lumber and shingles by this bill are placed on the free list, are they not?

Mr. UNDERWOOD. The Senator from Minnesota means that the Republicans have continued lumber on the free list?

Mr. KELLOGG. Yes.

Mr. UNDERWOOD. Those articles are continued on the free list; but they were not on the free list under the Dingley Republican law and they were not on the free list under the Payne-Aldrich law, which was a Republican law. The Democrats, as I have stated, placed the ordinary grades of lumber, shingles, and many other articles on the free list in order that the builders of homes might have an opportunity, and in some few instances the Republicans have allowed them to stay where we placed them; but in numbers of other instances, as well as in this particular paragraph, they are raising the rates on building material, and in my opinion without any justification.

I do not care to take the time of the Senate in discussing all these items; there is no use of my doing that. Unpolished glass is the raw material; the next paragraph takes up the finished product, covering the glass after it is polished; and the next paragraph embraces a higher class of glass, which is more or less a luxury or a necessity for great buildings. But here is the crux of the glass schedule; here is the common glass. I realize that there are men who write tariff bills on the theory that the protection of an industry is more important for the Nation than the food and clothing and housing of the masses of the people. I do not say that in a spirit of demagoguery; I do not say it as an appeal because there are more poor people who vote than there are rich people; I have not invoked a spirit of that kind during my career in this Chamber; but I do say that the great mass of the American people in order to be good citizens, in order to love and honor their country, to live happy lives and raise their children properly, must have an opportunity to buy their food cheaply, to buy their clothes at reasonable prices, to build their own homes and not to be exploited by landlords exacting exorbitant rents. There is nothing that will make this Nation greater and more independent and insure a more patriotic and conservative citizenry than to allow every man in the Nation to own his own home. I say that when you pursue a deliberate policy, as is done in this bill, of raising the tax on food, raising the tax on clothes, raising the tax on the materials with which to build the homes, you are pursuing a policy that is in direct contravention of the best interests of our United States.

Mr. HEFLIN. Mr. President, before a vote is taken upon the pending item I merely wish to say a word concerning a thought which has been suggested by the speech of my colleague [Mr. UNDERWOOD]. I think it well for the country to know just what the program here is; just what is going on day after day with regard to this tariff bill. A few days ago the Republican Senate placed a tax upon sand from which glass is made. Nobody ever dreamed that any party would do that, but the Republican Party in the Senate has actually laid a tax upon sand. It has increased the price of the raw material, white sand, out of which glass is made. That is No. 1. They have not stopped at that, as my colleague has pointed out, but they have laid a tax upon unpolished glass, which is made from sand. That is No. 2. Then they have laid a tax upon the polished glass or finished glass, and that is No. 3.

So every fellow who uses glass in any form must pay all these taxes, because the consumer pays all the tax. Whenever the article is handed to him over the counter he pays every tax that is connected with it. I do not care what theorists may say about it; it is all put in the cost that the consumer pays when the article is handed over the counter to him.

I was just thinking while my colleague was speaking, Mr. President, about the fellow who buys a bottle in which to have milk delivered to his home for his baby, or several bottles bringing milk for the family. He has to pay a tax under this provision and under all these provisions—sand, unpolished glass, and polished glass. The more glass he buys the greater his tax. I got to thinking of some of the uses to which we put glass. I will mention just one or two, because I do not want to detain the Senate, for you seem to desire to vote on this item. I thought of fruit jars. The housewives of America, when fruit is here in abundance, want to preserve some of it for use in the winter, and they will cook up some of this fruit and will preserve it by putting it away in glass jars. The other side has made it more difficult for them to do that, because of the tax that they are laying on sand, unpolished glass, and polished glass. When they get ready to serve these luscious and delightful preserves in a glass bowl the tax proposition rises again, and when they go to drink this milk that comes in the glass bottle, from the drinking glass upon the table, here comes this Republican tariff tax upon sand, unpolished glass, and polished glass to stare them in the face with increased prices. You have taxed the windowpanes that let God's light of day into the homes of the people, and when the citizen needs glasses to enable him to read the pages of the Blessed Book you have taxed the spectacles that he must use. Verily, there is no escape from the taxgatherers of the Republican Party.

Mr. UNDERWOOD. I ask to have the pending amendment stated.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On line 7, after the word "made," it is proposed to insert a comma and the words "and for whatever purpose used."

Mr. UNDERWOOD. I do not care to take any issue on that. I understand that that is merely a technical provision.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMOOT. Now, on page 42, line 10, I move to strike out "1¾," and insert in lieu thereof "1⅞."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah.

Mr. UNDERWOOD. Before this increase is voted over the present rate, although it is a reduction from the rate printed in the bill, I think the Senator from New Mexico [Mr. JONES], in charge of this schedule, desires to propose an amendment. I therefore make the point of no quorum, in order that he may be here.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Harris	Nelson	Simmons
Brandegee	Heflin	New	Smoot
Broussard	Johnson	Newberry	Spencer
Bursum	Jones, N. Mex.	Nicholson	Sterling
Calder	Jones, Wash.	Norbeck	Sutherland
Capper	Kellogg	Norris	Townsend
Caraway	Kendrick	Oddie	Underwood
Curtis	Keyes	Page	Wadsworth
Dial	Ladd	Pepper	Walsh, Mont.
du Pont	La Follette	Poindexter	Warren
Edge	Lenroot	Pomerene	Watson, Ga.
Frelinghuysen	Lodge	Ransdell	Watson, Ind.
Gerry	McCumber	Rawson	Williams
Glass	McKinley	Robinson	Willis
Gooding	McLean	Sheppard	
Hale	McNary	Shortridge	

The PRESIDING OFFICER (Mr. LADD in the chair). Sixty-two Senators having answered to their names, a quorum is present. The question is on the amendment offered by the Senator from Utah.

Mr. JONES of New Mexico. Mr. President, I move to amend the amendment of the Senator from Utah by inserting, instead of "1⅞ cents," in line 10, page 42, "1 cent"; and before proceeding to a vote I desire to make just a little statement.

We were in some confusion earlier in the day as to prices. I have just been handed a list of prices, coming from official sources, of certain sizes of glass manufactured in this country for domestic consumption, and the prices of the same glass for export, and the landed cost of the Belgian glass. There is quite a table of these prices, but they are decidedly interesting.

I find that the American export price is in most cases considerably less than the American price to the American consumer, and that the Belgian price landed in New York is greater than the American price in New York. They are given in brackets here. I will not read the numbers of the brackets, because I will ask to have this table inserted in the RECORD; but the first domestic price of the American glass is $2.77, and the export price of the same article is $2.76, about the same, and the net price of the Belgian glass is $2.65. The Belgian price is on the basis of 25 per cent discount from the list price, and 8 cents per franc.

The franc is worth more than that now. These were January, 1922, prices. The comparative prices as to the other brackets are as follows:

Single thickness.	Net domestic price American glass.	Net export price American glass.	Net Belgian glass at 25 per cent discount from list at 8 cents per franc.
34-inch bracket	$3.22	$2.98	$3.17
40-inch bracket	3.36	2.98	3.17
50-inch bracket	3.69	3.25	3.54
54-inch bracket	3.98	3.33	3.69
60-inch bracket	4.09	3.33	3.89
70-inch bracket	4.38	3.54	4.04
80-inch bracket	4.88	4.15	4.53
84-inch bracket	5.26	4.46	4.84

It will thus be seen that the price of the Belgian ware in the New York market is in every instance, I believe, higher than the export price of the domestic product. That is for single-thickness glass. For duplicate thickness the figures are:

Double thickness.	Net domestic price American glass.	Net export price American glass.	Net Belgian glass at 25 per cent discount from list at 8 cents per franc.
25-inch bracket	$3.76	$3.08	$3.95
34-inch bracket	4.06	3.49	4.74
40-inch bracket	4.30	3.49	4.74
50-inch bracket	4.92	3.93	5.29
54-inch bracket	4.98	4.05	5.52
60-inch bracket	5.04	4.05	5.82
70-inch bracket	5.34	4.24	6.04
80-inch bracket	5.76	4.81	6.80
84-inch bracket	5.88	4.88	7.25

So it appears that we are not threatened with importations from Belgium. In every case I believe the Belgian price is greater than the export price of the American product, and in most cases the Belgian price in New York is greater than the New York price of the American product. So it would seem that there is very little danger of our markets being flooded with Belgian ware, and when I called attention this morning to the fact that this industry is closely held, that under an agreement between the machine producers and the hand producers the factories of this country of all kinds are working only six months in the year, under an agreement that 60 per cent of the whole market shall belong to the machine producers and 40 per cent to the hand producers; with the market so closely held as that and with the manufacturers themselves saying that upon the higher brackets they need no further duty, one of them saying that the present duty could be reduced—in the face of that condition the committee proposes to increase materially the duties under existing law, and all I am seeking to do by the amendment which I suggest is to retain the rates found in the existing law.

The industry is prospering as it has never prospered before. We are exporting this glass now, and Belgium is our competitor, if we have any; and nobody has had much to say about the low cost of production in Belgium. This industry especially is struggling to get on its feet again in Belgium.

Mr. President, I ask to have inserted in the RECORD a copy of the price list to which I referred a while ago.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

PARAGRAPH 219.

Prices of window glass January, 1922, 50 feet per box, f. o. b. New York.

"B" QUALITY.

	Net domestic price American glass.	Net export price American glass.	Net Belgian glass at 25 per cent discount from list at 8 cents per franc.
Single thickness:			
25-inch bracket	$2.77	$2.76	$2.65
34-inch bracket	3.22	2.98	3.17
40-inch bracket	3.36	2.98	3.17
50-inch bracket	3.69	3.25	3.54
54-inch bracket	3.98	3.33	3.69
60-inch bracket	4.09	3.33	3.89

Prices of window glass January, 1922, etc.—Continued.

	Net domestic price American glass.	Net export price American glass.	Net Belgian glass at 25 per cent discount from list at 8 cents per franc.
Single thickness—Continued:			
70-inch bracket	$4.38	$3.54	$4.04
80-inch bracket	4.88	4.15	4.53
84-inch bracket	5.26	4.46	4.84
Double thickness:			
25-inch bracket	3.76	3.08	3.95
34-inch bracket	4.06	3.49	4.74
40-inch bracket	4.30	3.49	4.74
50-inch bracket	4.92	3.93	5.29
54-inch bracket	4.98	4.05	5.52
60-inch bracket	5.04	4.05	5.82
70-inch bracket	5.34	4.24	6.04
80-inch bracket	5.76	4.81	6.80
84-inch bracket	5.88	4.88	7.25

Mr. SIMMONS. Mr. President, the Senator from New Mexico has made a very valuable contribution to this discussion. I stated a few days ago upon a venture that I believed that upon further investigation it would be found that our export prices were not very much above the import prices of foreign merchandise into this country. I think if the Senator will extend his investigation to other subjects along the same line he has pursued in getting the data he has just given the Senate he will find that there is practically the same difference between the domestic and export selling prices of domestic products which he has discovered with reference to the product we have been discussing.

The facts the Senator has given as to that article illustrate to my mind better than anything which has been developed in all of this discussion the cost to the American people of the proposed extortionate and prohibitory rates. They will enable the domestic producers to sell their products to the American consumers at profits far above what are reasonable, fair, and just, while selling the same products in foreign countries at a very much less price.

It is logical to argue that the difference between the domestic price of the domestic product and the export price of that product, if it will not accurately gauge the cost to the American people of these high rates which are now demanded, is at least an index of the extent to which this system enables the industries of the country to victimize the consumers of the country.

If we give the monopolized industries a protection which enables them to dominate and control the American market, and thus to fix their prices and their profits as high as they please, they will exact a big profit from the American people, while exacting of the foreigner only a moderate profit, which means, properly interpreted, that the protective system, as illustrated in this case, instead of inuring to the benefit of the American people, inures to the benefit of the foreign purchaser of our domestic products.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New Mexico [Mr. JONES] to the amendment of the committee.

Mr. JONES of New Mexico. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DIAL (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. PHIPPS], which I transfer to the senior Senator from Texas [Mr. CULBERSON], and vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. I transfer that pair to the senior Senator from Pennsylvania [Mr. CROW] and vote "nay." I ask that this announcement of my pair and its transfer may stand for the day.

Mr. WATSON of Georgia (when his name was called). I have a general pair with the junior Senator from Arizona [Mr. CAMERON]. Not being able to obtain a transfer, I withhold my vote.

Mr. WATSON of Indiana (when his name was called). I transfer my pair with the senior Senator from Mississippi [Mr. WILLIAMS] to the senior Senator from Maryland [Mr. FRANCE] and vote "nay."

The roll call was concluded.

Mr. BALL. I transfer my general pair with the senior Senator from Florida [Mr. FLETCHER] to the senior Senator from New Hampshire [Mr. MOSES] and vote "nay."

Mr. EDGE. I transfer my general pair with the senior Senator from Oklahoma [Mr. OWEN] to the junior Senator from Oklahoma [Mr. HARRELD] and vote "nay."

Mr. NEW. I transfer my pair with the junior Senator from Tennessee [Mr. MCKELLAR] to the junior Senator from Oregon [Mr. STANFIELD] and vote "nay."

Mr. HALE. I transfer my pair with the senior Senator from Tennessee [Mr. SHIELDS] to the junior Senator from Maryland [Mr. WELLER] and vote "nay."

Mr. GLASS (after having voted in the affirmative). I transfer my pair with the senior Senator from Vermont [Mr. DILLINGHAM] to the senior Senator from Arizona [Mr. ASHURST] and permit my vote to stand.

Mr. SIMMONS. I wish to announce that my colleague [Mr. OVERMAN] is necessarily absent. If present, he would vote "yea."

Mr. HARRISON. I transfer my general pair with the junior Senator from West Virginia [Mr. ELKINS] to the senior Senator from Nevada [Mr. PITTMAN], and vote "yea."

Mr. STANLEY. I transfer my pair with the junior Senator from Kentucky [Mr. ERNST] to the senior Senator from Nebraska [Mr. HITCHCOCK], and vote "yea."

Mr. JONES of Washington. The senior Senator from Virginia [Mr. SWANSON] is necessarily absent for the day and I promised to take care of him with a pair. I find, however, that I can transfer that pair to the Senator from New Hampshire [Mr. KEYES], which I do, and vote "nay."

Mr. JONES of New Mexico (after having voted in the affirmative). I desire to announce the transfer of my general pair with the Senator from Maine [Mr. FERNALD] to the Senator from Missouri [Mr. REED]. I ask that this announcement may stand for the day.

Mr. CURTIS. I desire to announce that the Senator from Rhode Island [Mr. COLT] is paired with the Senator from Florida [Mr. TRAMMELL].

The result was announced—yeas 21, nays 45, as follows:

YEAS—21.

Caraway	Heflin	Pomerene	Underwood
Dial	Jones, N. Mex.	Robinson	Walsh, Mass.
Gerry	King	Sheppard	Walsh, Mont.
Glass	La Follette	Simmons	
Harris	Myers	Smith	
Harrison	Norris	Stanley	

NAYS—45.

Ball	Hale	Nelson	Smoot
Brandegee	Johnson	New	Spencer
Broussard	Jones, Wash.	Newberry	Sterling
Bursum	Kellogg	Nicholson	Sutherland
Calder	Kendrick	Norbeck	Townsend
Capper	Ladd	Oddie	Wadsworth
Cummins	Lenroot	Page	Warren
Curtis	Lodge	Pepper	Watson, Ind.
du Pont	McCumber	Poindexter	Willis
Edge	McKinley	Ransdell	
Frelinghuysen	McLean	Rawson	
Gooding	McNary	Shortridge	

NOT VOTING—30.

Ashurst	Ernst	McKellar	Stanfield
Borah	Fernald	Moses	Swanson
Cameron	Fletcher	Overman	Trammell
Colt	France	Owen	Watson, Ga.
Crow	Harreld	Phipps	Weller
Culberson	Hitchcock	Pittman	Williams
Dillingham	Keyes	Reed	
Elkins	McCormick	Shields	

So the amendment of Mr. JONES of New Mexico to the amendment was rejected.

The PRESIDING OFFICER. The question now is on the amendment offered by the Senator from Utah [Mr. SMOOT], on line 10, to strike out "1¾" and insert in lieu thereof "1⅞."

The amendment was agreed to.

Mr. SMOOT. On page 42, line 11, I move to strike out "2¼" and to insert in lieu thereof "1⅞."

Mr. JONES of New Mexico. I move to amend by inserting "1⅛" instead of "1⅞" proposed by the Senator from Utah. I will state that we have had one roll call upon this paragraph, and I assume that the vote on the other items will be just the same. So I shall not ask for a roll call on the further amendments, but I desire to reserve a vote in the Senate upon all the amendments in this paragraph.

Mr. SIMMONS. Mr. President, may I ask the Senator from New Mexico if glass of the character covered by this rate is imported from Belgium?

Mr. JONES of New Mexico. I assume that all of it is. I know of none coming from any other country.

Mr. SIMMONS. Belgium is our only competitor?

Mr. JONES of New Mexico. Belgium is our only competitor.

Mr. SIMMONS. The glass she sends us sells in New York at a higher price than the domestic glass, I understand.

Mr. JONES of New Mexico. So it appears from the official price list which I inserted in the RECORD,

Mr. SMOOT. That is the selling price, but not the cost price.

Mr. JONES of New Mexico. It is the landed price f. o. b. New York.

Mr. SMOOT. I do not want to get into any discussion about it, but——

Mr. SIMMONS. We need to have some discussion about it. If the figures given by the Senator are true, we ought to have some discussion that would enlighten the Senate.

Mr. SMOOT. All I will say is that the foreign value in the United States currency, with the landing charges, freight, and insurance added, and the duty added to that, is a lower price than that at which it is sold for here. It is said that the profit in selling that article in the United States is all the way from 60 to 80 per cent, and with that 60 to 80 per cent profit over and above the cost of the article in Belgium, together with freight and landing charges, plus the duty and the profits, it is sold in some cases a little higher than the American article and in some cases a little lower.

Mr. SIMMONS. Let me ask the Senator from New Mexico another question. When the Senator spoke of the selling price of the Belgian glass in the New York market did he include the duty?

Mr. JONES of New Mexico. It is the f. o. b. New York price, and I assume that the present duty is included.

Mr. SIMMONS. The Senator assumes that the duty is included?

Mr. JONES of New Mexico. I assume that it is, because it is the f. o. b. New York price.

Mr. SIMMONS. Has the Senator subtracted the duty to see what would be the net result?

Mr. JONES of New Mexico. I have not, but I was trying by these figures to show conditions under the existing law. It seems to me they demonstrate that there is no necessity for increasing the duty. The prices to which the Senator from Utah has just referred are the prices of August of last year, while the prices which I have are of January of this year.

Mr. SIMMONS. And they are admittedly higher, I think.

Mr. JONES of New Mexico. I imagine in some cases they are a little higher and in some cases a little lower.

Mr. SMOOT. I think they are lower to-day not only in this country but in Belgium as well.

Mr. SIMMONS. They are lower than they were last August?

Mr. SMOOT. Yes.

Mr. SIMMONS. The evidence I have is that since last August the prices of imports into this country have increased.

Mr. SMOOT. Not at all on glass.

Mr. SIMMONS. I am not speaking specifically about glass. I was speaking about general prices.

Mr. SMOOT. I think the Senator will admit that the prices quoted there are prices at which the glass is sold in the United States, and also that the prices quoted of the foreign article are f. o. b. at the mill.

Mr. SIMMONS. Then if we take that to be true, the prices at which this product is offered for sale by the foreigner in New York, after paying the duty under the present law, are a little higher than the export prices of the American product.

Mr. JONES of New Mexico. And in a great many instances they are very much higher.

Mr. SIMMONS. Yes; very much higher.

Mr. JONES of New Mexico. In the higher brackets especially the prices are much higher. I mean by that the larger sizes of the glass.

Mr. SIMMONS. That would clearly demonstrate, I think, that the present duty affords the American producer all the protection that he can possibly ask for in conscience upon this article.

Mr. SMOOT. I know the Senator wants to be perfectly fair, and I know the prices he is quoting are the cost prices in Belgium plus the landing charges and the insurance and the duty, plus 60 or 70 per cent profit, as shown by the Reynolds report. They can cut that 60 or 70 per cent profit and then it would be under the selling price in the United States.

Mr. SIMMONS. But I do not suppose it includes importers' profits.

Mr. JONES of New Mexico. I am not willing to allow that statement to go unchallenged, because I read from the official paper and I will read just what it says:

Prices of window glass January, 1922, 50 feet, per box f. o. b. New York.

Mr. SMOOT. That is exactly what I said.

Mr. JONES of New Mexico. That does not include any profit by the importer.

Mr. SMOOT. But that is f. o. b. New York. That is where the importer buys the product and lands it at New York. The Reynolds report will show that to be the case.

Mr. SIMMONS. The importer's profit is not included, because the importer is not presumed to pay himself a profit. It is clear to me that there are no profits included in the foreign prices and that it is the landed cost plus the freight and insurance and the duty, and that is all. Now, the American export price includes in it a profit to the American wholesaler, and with that profit to the American wholesaler it seems that the landed cost with the duty added on the foreign article is a little higher than the export price of the domestic article.

Mr. SMOOT. Does the Senator from North Carolina mean that the importer will bring the glass in here f. o. b. New York and sell it at just what it costs him f. o. b. New York?

Mr. SIMMONS. I mean nothing of the sort, and no one has said anything that approached that. What the Senator from New Mexico has said to the Senate, and all that he said, is that the landing cost in New York to the importer of that article was so much, duty paid. The importer's profits will not be included until the importer sells it. The article he quoted does not give the selling price of that article in New York. The selling price, of course, would include the importer's profit. The quotation speaks of the landed cost, landed in New York, invoiced to a certain importer, and that includes nothing except what the importer gives for it plus the duty and the insurance and the freight. That is all. If it had said the selling price of the article in New York it would have been different, because the selling price would have included the importer's profit, but the Senator has said that his figures only applied to the landed cost. There is a vast difference between the landed cost and the selling cost.

Mr. SMOOT. I never in my life heard of a landing cost f. o. b. If the Senator from North Carolina can imagine a landing cost f. o. b., I can not understand it. I do not know what it is. I never heard of it.

Mr. SIMMONS. I buy an article for the purpose of reselling it. It is booked to me f. o. b.

Mr. SMOOT. Oh, that is c. i. f. That is not f. o. b.

Mr SIMMONS. Yes, it is f. o. b. at the point of shipment, and landed cost included the transportation and insurance charges, and the duty is the entrance fee, so to speak.

Mr. JONES of New Mexico. Mr. President, I want to call attention to the heading of that column. It says:

Net Belgium glass at 25 per cent discount from list at 8 cents per franc.

If you put the franc at its present value, this price would be increased accordingly about 12½ to 15 per cent. But even assuming that the Senator from Utah is right about it, that these articles are on the market at those prices, still we have the Belgium glass on the market, in a great many cases with the prices higher than the American glass on the market in New York and in every case higher than the American prices for export.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New Mexico to the amendment proposed by the Senator from Utah.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment offered by the Senator from Utah.

The amendment was agreed to.

Mr. SMOOT. On page 42, line 13, I move to strike out the numerals "2¼" and to insert in lieu thereof the numerals "1¾."

Mr. JONES of New Mexico. I move to amend the amendment offered by the Senator from Utah by inserting the numerals "1½" instead of "1¾."

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Mexico to the amendment of the Senator from Utah.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment offered by the Senator from Utah.

The amendment was agreed to.

Mr. SMOOT. On page 42, line 15, I move to strike out the numerals "3¼" and to insert in lieu thereof the numeral "2."

Mr. JONES of New Mexico. I move to amend the amendment of the Senator from Utah by inserting the numerals "1½" instead of the numeral "2."

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Mexico to the amendment of the Senator from Utah.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Utah.

The amendment was agreed to.

Mr. SMOOT. On page 42, line 16, I move to strike out the numerals "3¼" and to insert in lieu thereof the numerals "2¼."

Mr. JONES of New Mexico. I move to amend the amendment proposed by the Senator from Utah by inserting the numerals "1⅞" instead of the numerals "2¼."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New Mexico to the amendment of the Senator from Utah.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment offered by the Senator from Utah.

The amendment was agreed to.

Mr. SMOOT. On page 42, line 17, I move to strike out the numeral "4" and to insert in lieu thereof the numerals "2¼."

Mr. JONES of New Mexico. I move to amend the amendment of the Senator from Utah by inserting the numeral "2" instead of the numerals "2¼."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New Mexico to the amendment of the Senator from Utah.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment offered by the Senator from Utah.

The amendment was agreed to.

Mr. SMOOT. On page 42, line 18, I ask that the committee amendment may be disagreed to; and if the Senate disagrees to the committee amendment, I shall then ask to strike out the proviso, which reads as follows:

Provided, That none of the foregoing shall pay less duty than 35 per cent ad valorem.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was rejected.

Mr. SMOOT. I now move, in line 17, page 42, to strike out, after the words "Provided," down to and including the word "further" in line 19.

The PRESIDING OFFICER. The amendment moved by the Senator from Utah will be stated.

The ASSISTANT SECRETARY. On page 42, line 17, after the word "Provided," is is proposed to strike out:

That none of the foregoing shall pay less duty than 50 per cent ad valorem: *Provided further*—

The PRESIDING OFFICER. The question is on the amendment of the Senator from Utah.

The amendment was agreed to.

Mr. SMOOT. Now, Mr. President, I should like to return to paragraph 25.

Mr. JONES of New Mexico. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Harris	Nelson	Simmons
Borah	Harrison	New	Smith
Brandegee	Heflin	Newberry	Smoot
Broussard	Johnson	Nicholson	Spencer
Bursum	Jones, N. Mex.	Norris	Sterling
Capper	Jones, Wash.	Oddie	Sutherland
Caraway	Kellogg	Page	Townsend
Cummins	Kendrick	Pepper	Underwood
Curtis	King	Poindexter	Wadsworth
Dial	La Follette	Pomerene	Walsh, Mont.
du Pont	Lenroot	Ransdell	Warren
Frelinghuysen	McCumber	Rawson	Watson, Ga.
Glass	McKinley	Robinson	Willis
Hale	McNary	Sheppard	

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. A quorum is present. The Secretary will state the pending amendment in paragraph 25.

The ASSISTANT SECRETARY. In paragraph 25, coal-tar products, beginning on page 8, the first committee amendment, on page 9, line 14, has been agreed to. The next amendment is, on page 9, line 25, to strike out "tar" and insert "tar,".

The amendment was agreed to.

The next amendment was, on page 10, line 17, after the numerals "1546," and before the words "per cent," to strike out "30" and insert in lieu thereof "50."

Mr. KING. Mr. President, it seems to me that paragraphs 25 and 26 are so closely interrelated that a discussion of one involves a discussion and consideration of the other. I had hoped that the able Senator from New Jersey [Mr. FRELINGHUYSEN] or some other member of the committee would present such reasons as it may be thought the Senate should be put in possession of to justify the changes in this schedule from the schedule reported in the House bill. I was about to offer an amendment, but if any member of the committee cares to discuss these provisions, I hope he will do so for our enlight-

enment, and I shall be glad to pretermit action on my part for the present.

Mr. FRELINGHUYSEN. Mr. President, I think the suggestion of the distinguished Senator from Utah that paragraphs 25 and 26 should be discussed together is a very good one, because the two paragraphs are very closely related. Paragraph 25 provides for duties on intermediates, those products which are necessary to make the finished dyes, and paragraph 26 relates to dyes, flavors, perfumes, synthetic tanning material, phenolic resin, photographic chemicals, medicines, colors, and other coal-tar products. The committee have provided for a specific duty of 7 cents per pound for these products, and in one case 60 per cent ad valorem——

Mr. NORRIS. Mr. President, will the Senator read the products, so that we may know what they are? [Laughter.]

Mr. FRELINGHUYSEN. I thank the Senator for that suggestion. I can not read them. I will try to pronounce them when the time comes.

Mr. NORRIS. I should like to hear the Senator pronounce them, so that we may vote intelligently.

Mr. FRELINGHUYSEN. The committee has provided a specific duty of 50 per cent on the articles in paragraph 25 and 7 cents a pound, and 60 per cent on the articles in paragraph 26 and 7 cents a pound. In addition to that the committee has extended for one year the selective-license system now in the emergency tariff, which forms part of another paragraph, and they have also provided that if found necessary the President may extend it for a further period of one year. These paragraphs are all closely related, and refer to the protection of the dye industry established during the war; and the consideration of these paragraphs and their passage is a question of very important national policy.

The rates fixed by the committee of 50 and 60 per cent are based upon an average of the differentials between the cost of the manufactured dyes here and some of the imported prices. I do not think they are high enough, but I want to say at this point that we have before us the survey of the Tariff Commission, which states, on page 24:

> What rate of duty would protect all branches that now show any growth and will guarantee the development of those that are missing? To this the Tariff Commission is bound to answer that this end apparently can not be accomplished by any rate of duty familiar in American tariff legislation. This conclusion is inevitable when a comparison is made of what is known of domestic costs with the pre-war prices of German dyes or even with the very recent prices at which those dyes were offered in exchange for food.

Further on in that report, we find these words:

> Again, deceptive advertising and misleading propaganda can be protracted by many shrewd devices long enough to demoralize a market in spite of any law that has thus far been enacted.

I skip part of the report.

> A law that would be effective against German dumping of dyestuffs will be difficult to draw, for the usual test of dumping can hardly be applied. A comparison of their export with their domestic prices will have little meaning, because both are fixed by a monopoly and may be adjusted at will, and because private contract prices may easily be made to vary widely from published quotations.

Mr. President, before the war we had practically no dye industry in this country. Under the extremity of war the American manufacturer created an industry which made us independent of the country that formerly supplied us, Germany. Prior to the war Germany had absolute domination in the dye industry of the world. We purchased practically all of our dyes from her. To-day we are independent; but unless there is proper protection, and unless there is a restrictive license which will allow our chemists to continue their research and experimentation, this dye industry can not live.

Later in the debate I shall introduce in the RECORD the statements of prominent men, statesmen, and those who have had an opportunity to study this question carefully, tending to show that if we are to maintain this industry it is absolutely necessary that we not only have these duties for the dyes that are admitted under the selective embargo but also that we have the selective embargo to protect our industries against the competition of those who can undersell and practically manufacture at less cost than we can.

That is the reason why the committee have placed in the bill these two provisions and fixed these rates, as well as extending the embargo.

Mr. McCUMBER. I ask unanimous consent that the Senate will agree to recess until to-morrow at 11 o'clock when it completes its session this calendar day.

The VICE PRESIDENT. Is there objection to the request of the Senator from North Dakota? The Chair hears none, and it is so ordered.

Mr. KING. Mr. President, I ask that the committee amendment be rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

Mr. KING. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. DIAL (when his name was called). Transferring my pair with the Senator from Colorado [Mr. PHIPPS] to the Senator from Texas [Mr. CULBERSON], I vote "nay."

Mr. EDGE (when his name was called). Making the same announcement as heretofore regarding the transfer of my pair, I vote "yea."

Mr. GLASS (when his name was called). Transferring my general pair with the senior Senator from Vermont [Mr. DILLINGHAM] to the senior Senator from Arizona [Mr. ASHURST], I vote "nay."

Mr. HARRISON (when his name was called). Transferring my general pair with the junior Senator from West Virginia [Mr. ELKINS] to the senior Senator from Nevada [Mr. PITTMAN], I vote "nay."

Mr. NEW (when his name was called). Making the same announcement as to the transfer of my pair, I vote "yea."

Mr. WARREN (when his name was called). Again announcing the transfer of my pair, I vote "yea."

Mr. WATSON of Indiana (when his name was called). I transfer my pair with the Senator from Mississippi [Mr. WILLIAMS] to the Senator from Vermont [Mr. PAGE] and will vote. I vote "yea."

The roll call was concluded.

Mr. BALL. Transferring my general pair with the senior Senator from Florida [Mr. FLETCHER] to the senior Senator from New Hampshire [Mr. MOSES], I vote "yea."

Mr. HALE. Making the same announcement as before, I vote "yea."

Mr. STANLEY (after having voted in the negative). I transfer my pair with the junior Senator from Kentucky [Mr. ERNST] to the senior Senator from Nebraska [Mr. HITCHCOCK], and will allow my vote to stand.

Mr. FRELINGHUYSEN (after having voted in the affirmative). I transfer my general pair with the Senator from Montana [Mr. WALSH] to the Senator from Minnesota [Mr. NELSON] and will allow my vote to stand.

Mr. SMITH (after having voted in the negative). I have a general pair with the Senator from South Dakota [Mr. STERLING]. In his absence I transfer that pair to the Senator from Rhode Island [Mr. GERRY] and will allow my vote to stand.

Mr. CURTIS. I have been requested to announce that the Senator from Rhode Island [Mr. COLT] is paired with the Senator from Florida [Mr. TRAMMELL], and that the Senator from Arizona [Mr. CAMERON] is paired with the Senator from Georgia [Mr. WATSON].

The result was announced—yeas 37, nays 20, as follows:

YEAS—37.

Hale	Ball	New	Spencer
Brandegee	Johnson	Newberry	Sutherland
Bursum	Jones, Wash.	Nicholson	Townsend
Calder	Kellogg	Oddie	Wadsworth
Capper	Lenroot	Pepper	Warren
Curtis	Lodge	Poindexter	Watson, Ind.
Edge	McCumber	Ransdell	Willis
France	McKinley	Rawson	
Frelinghuysen	McLean	Shortridge	
Gooding	McNary	Smoot	

NAYS—20.

Caraway	Heflin	Norris	Smith
Dial	Jones, N. Mex.	Pomerene	Stanley
Glass	Keyes	Robinson	Swanson
Harris	King	Sheppard	Underwood
Harrison	La Follette	Simmons	Walsh, Mass.

NOT VOTING—39.

Ashurst	Elkins	McKellar	Reed
Borah	Ernst	Moses	Shields
Broussard	Fernald	Myers	Stanfield
Cameron	Fletcher	Nelson	Sterling
Colt	Gerry	Norbeck	Trammell
Crow	Harreld	Overman	Walsh, Mont.
Culberson	Hitchcock	Owen	Watson, Ga.
Cummins	Kendrick	Page	Weller
Dillingham	Ladd	Phipps	Williams
du Pont	McCormick	Pittman	

So the amendment of the committee was agreed to.

Mr. McCUMBER. Mr. President, I should like to return to page 31, paragraph 201. I want to offer an amendment striking out paragraph 201 entirely and substituting a paragraph for it. This is the paragraph relating to fire brick, and so forth. At the end of that paragraph, as Senators will remember, on which we had a long discussion, we added:

> All brick not specially provided for, 25 per cent ad valorem.

That addition was simply to protect a few brickmakers along the Canadian line whose product competed with a Canadian product in the near-by vicinity. On account of freight rates we did not consider at that time that there was any danger of its affecting the general price of building bricks throughout the United States. That being its purpose, I am going to ask, if we can pass it through without further delay, to offer the amendment proposed by the Senator from Utah [Mr. SMOOT]; but since the amendment which was offered by the Senator from Utah was introduced we have made a slight change in magnesite, increasing the duty from $8 to $15 per ton, and the amendment as drawn by the senior Senator from Utah provided for a duty of four-tenths of 1 cent per pound to take care of the $8 per ton on the magnesite that was used in the fire brick. Raising that rate on the magnesite from $8 a ton to $15 a ton would make a differential which would require three-fourths instead of four-tenths of 1 cent per pound in the cost of the fire brick.

The amendment which I now offer would read as follows:

Strike out all of paragraph 201, page 31, and insert in lieu thereof the following:

"PAR. 201. Bath brick, chrome brick, and fire brick not specially provided for, 25 per cent ad valorem; magnesite brick, three-fourths of 1 cent per pound and 10 per cent ad valorem."

If that is carried, as I hope it will be, then, on page 217, after line 5, we would insert a new paragraph—that is on the free list—which would read:

PAR. 1535a. Brick not specially provided for:

That would put all of building brick and brick not specially provided for on the free list, with this proviso:

Provided, That if any country, dependency, Province, or other subdivision of government imposes a duty on such brick imported from the United States, an equal duty shall be imposed upon such brick coming into the United States from such country.

That last provision would adequately protect those along the border against the Canadian importation where the Canadian Government imposes an even higher duty upon the American brick; and inasmuch as that does not come into competition except in the close vicinity, I can not believe that there will be any serious objection to it.

Mr. UNDERWOOD. Mr. President, I should like to ask the Senator about his proviso. I have not been able to read it, and therefore could only catch it from the Senator's reading. The proviso in reference to the free list is what he is discussing?

Mr. McCUMBER. Right at the bottom of the amendment.

Mr. UNDERWOOD. I will read it over, so that I can ask my question better:

Brick not specially provided for: *Provided*, That if any country, dependency, Province, or other subdivision of government imposes a duty on such brick imported from the United States an equal duty shall be imposed upon such brick coming into the United States from such country.

That would exclude, of course, the brick on the border; I realize that; but would that apply to any other country except Canada?

Mr. McCUMBER. I do not think it can. I know of none coming from Mexico. I have not heard of any, and I do not think there are any.

Mr. UNDERWOOD. If a duty was imposed on countries that are not border countries, it would not apply?

Mr. McCUMBER. It certainly would not. It would, of course, if they imposed a duty, but I know of no other country that is imposing a duty except Canada.

Mr. ROBINSON. Mr. President, I ask that the amendment offered by the Senator from North Dakota be reported.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. The amendment is in two parts——

Mr. ROBINSON. No; I did not understand that the Senator had offered the second amendment at this time. That is the reason why I asked to have the amendment reported. I understood the Senator from North Dakota to say that if the first amendment was adopted—the amendment relating to bath brick, chrome brick, and fire brick—it was then his purpose, after that had been adopted, to offer the other portion of it, to place common brick on the free list.

The Senator can not, of course, propose two amendments at once, and he has not done it. He has proposed an amendment to strike out paragraph 201 and insert certain language in lieu of it; and I ask that the pending amendment be reported.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. It is proposed to strike out all of paragraph 201, on page 31, and to insert in lieu thereof the following:

PAR. 201. Bath brick, chrome brick, and fire brick not specifically provided for, 25 per cent ad valorem; magnesite brick, three-fourths of 1 cent per pound and 10 per cent ad valorem.

Mr. ROBINSON. Mr. President, I propose the following amendment to the amendment of the Senator from North Dakota: Strike out "25" and insert "10," so that it will read:

Bath brick, chrome brick, and fire brick not specifically provided for, 10 per cent ad valorem.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Arkansas to the amendment of the Senator from North Dakota.

Mr. ROBINSON. Mr. President, the paragraph as reported by the Finance Committee segregates brick into as many as nine different classes for the purposes of imposing a tariff.

The first class is fire brick weighing not more than 10 pounds each, not glazed, enameled, ornamented, or decorated. Upon that class of fire brick the original Finance Committee amendment contemplated a tariff of 15 per cent, the House having imposed a tariff of 10 per cent.

Upon the second class, according to the Finance Committee's arrangement—glazed, enameled, ornamented, or decorated fire brick—the committee proposed to impose a tariff of 30 per cent in place of 20 per cent as proposed by the House of Representatives.

The third class embraced brick weighing more than 10 pounds each, and not specially provided for, not glazed, enameled, ornamented, or decorated in any way. The Finance Committee amendment proposed to increase the House rate of 17 per cent to 25 per cent.

On the fourth classification—glazed, enameled, ornamented, or decorated brick weighing more than 10 pounds each—the Finance Committee amendment contemplated a rate of 35 per cent, increasing the House rate, which was fixed at 20 per cent.

On magnesite brick, the fifth class, the House proposed a duty of three-fourths of 1 cent per pound and 10 per cent ad valorem. The Finance Committee proposed to reduce that to four-tenths of 1 cent per pound and 10 per cent ad valorem.

Mr. SMOOT. And now it is proposed to increase it to three-fourths of a cent.

Mr. ROBINSON. But on account of the action of the Senate a day or two ago in imposing a high rate of duty on crude magnesite it is proposed in the pending amendment to increase that rate to three-fourths of a cent a pound.

Mr. McCUMBER. To go back to the House rate.

Mr. ROBINSON. The next classification, No. 6, related to chrome brick, not glazed, enameled, painted, vitrified, ornamented, or decorated. The Finance Committee amendment proposed to increase the rate from 20 to 25 per cent ad valorem.

The seventh classification included chrome brick, glazed, enameled, painted, vitrified, ornamented, or decorated in any manner. The Finance Committee amendment proposed to increase the rate from 23 to 35 per cent ad valorem.

Bath brick constituted the eighth classification, and upon that the House imposed a rate of 23 per cent and the Senate committee proposed to increase it to 35 per cent.

The remaining classification was brick not specially provided for, which included common brick, 25 per cent ad valorem. It is now proposed by the pending amendment to make a uniform rate of 25 per cent ad valorem on all classes of fire brick except magnesite, upon which the pending amendment proposes to impose a duty of three-fourths of a cent a pound and 10 per cent ad valorem, which is the House rate.

It is apparent that there is a material reduction in the rates on many of the classes of brick embraced in paragraph 201. In my judgment, however, there is no justification for the imposition of a rate of 25 per cent ad valorem on bath brick, chrome brick, and fire brick not specially provided for.

Bath brick, the first mentioned in the amendment, is an abrasive, and is used for polishing and cleansing. The importations have never been great. They are negligible, even under existing rates. The present rate is 15 per cent, and there are substantially no importations, and I can not see any reason for increasing the rate on that class of brick.

The same is true of chrome brick and fire brick. Certainly at this time, when building and structural materials are scarce and when the prices charged for them are exorbitant, there is not justification in sound policy for imposing high rates of duty upon their importation.

The proposal of the committee to follow this amendment, to place common brick upon the free list subject to a proviso, of course, meets with my approval. I never understood why the committee wanted to tax common brick 75 per cent. There are now substantially no importations. Even along the Canadian border the importations are very slight, and I do not believe that an embargo can be justified, such as is proposed by the proviso in the second amendment which the Senator from North Dakota has stated he will offer if the first is agreed to.

The Canadian border line is in a sense an imaginary line. For almost the entire distance across the continent no natural barrier separates the United States from Canada. There are some instances, at least, where the interests of the American public along the border ought to permit them to have the opportunity of purchasing brick manufactured in Canada. Canada imposes a rate of 22½ per cent on American brick, and there is an additional charge of about 2½ per cent, which makes the Canadian rate on importations of American brick 25 per cent, and this paragraph placing common brick on the free list really means nothing, accomplishes nothing of interest to those who want to consume brick in the construction of houses in the United States, for the reason that common brick are not imported except in a few localities along the Canadian border, and if this tax is imposed those importations will be discontinued. The purpose of this proviso is to lay an embargo against the importation of all Canadian brick into the United States, and it will have that effect.

The only effect of it will be to work inconvenience to the people in the United States along the Canadian border who are nearer to Canadian manufacturing plants of brick than they are to American manufacturing plants. They will be compelled by reason of this tax of 25 per cent to buy their brick from American manufacturers, even though it may be much more inconvenient for them to secure delivery, and even though the transportation charges may be somewhat greater than they would be if the brick were purchased from the Canadian manufacturers.

No such condition exists along the border as to work a great hardship on anyone. I have here the record of the hearings before the Ways and Means Committee of the House, in which I find a letter from Mr. H. S. Wheeler, of Tacoma, Wash., who complained about the importation of Canadian brick; and there was a letter from a Member of the House of Representatives from the State of Idaho, who said that the two small brick plants in his district—and I believe he represents the entire State—are in danger of being driven out of business by the importation of large quantities of brick from Scotland and other remote points.

The Refractories Manufacturers' Association, of New York, filed a brief complaining that they were being injured very seriously by the importation of brick from Scotland and elsewhere in the form of ballast, and there is some testimony in the record to show that small numbers of brick have from time to time come to the Pacific coast as ballast in ships; but the point of the matter is that, taking all of these complaints together, under the existing rates importations of brick of any character are negligible anywhere. There is no danger that the brick manufacturing industry will suffer even if brick were placed on the free list.

The industry in the eastern part of the United States, as I attempted to show on a former occasion, is controlled by organizations which constitute the most oppressive monopoly known. The Lockwood committee went into the subject very fully, and they made a report which shows that the Association of Brick Manufacturers control absolutely the sales of brick, the use to which the same may be applied, to whom sales may be effected, and that they have literally fixed the prices at which sales may be made, and that the prices so fixed have been exorbitant beyond all reason.

I ask every Senator, Why should an industry dominated by such influences be shielded by an increase in tariff rates? There is no claim by anybody that the brick industry in the United States is an infant industry or that it is unprofitable. On the contrary, the price for the output is controlled absolutely in nearly every locality in the United States. In New York City there is not a man engaged in selling of brick, no matter how near he may be to the point of consumption, who will sell his product for any less than any other dealer in New York City. If he does he is boycotted in every imaginable way.

No man can buy brick in excess of a supply for a certain number of days, and when a purchase is made the purchaser must certify the purposes for which the brick are to be used, the job on which they are to be used, and if he uses them for any other purpose he can not buy another brick from any dealer in New York City.

No person or organization not a member of this association can buy material from any member of it. No member who is a manufacturer is permitted to sell any material to any dealer within the jurisdiction of the association unless such dealer is a member of the association. Not only was that true but the dealer who bought brick had to bind himself to purchase other building materials from members of the association, and if he failed to enter into that agreement he could not purchase brick. In other words, if he bought brick from a member of the association he must also buy cement from the same dealer, as well as lime and other products.

Mr. STANLEY. Mr. President——

Mr. ROBINSON. I yield to the Senator from Kentucky.

Mr. STANLEY. As I understand this lamentable state of affairs is not only evidenced by the Lockwood report, but the question has been tried out in the courts of New York and they have been found guilty of this atrocious profiteering. On brick alone I understand they made over 150 per cent profit. In addition to that the junior Senator from New York [Mr. CALDER] had incorporated in the RECORD a memorial from the people of New York again reciting these facts and again asking the Senate for relief. They ask for bread and we have given them a stone or a brick.

Mr. ROBINSON. On the question just raised by the Senator from Kentucky I call attention to the Lockwood intermediate report, page 88, where it was established by the testimony of Mr. Marvyn Scudder, an expert accountant employed by the committee, that for the first six months of 1920 the cost of brick delivered at the job in New York City was $11.25 per thousand, for which the company received or realized $28.75 per thousand. I need not pause to make comment upon the fact that an industry which enjoys such very large profit does not need protection.

The business was controlled absolutely by a number of organizations. There were three different branches connected with the central body. The central body was called the Dealers in Mason's Building Materials in New York City. The three different branches connected with that body were the Hudson River Brick Manufacturers' Association, the Builders' Supply Bureau of Manhattan and Bronx, and the Masons' Supply Bureau of Queens and Brooklyn. The Hudson River Brick Manufacturers' Association conducted its operations largely through an organization known as the Greater New York Brick Co. The Hudson River Brick Manufacturers' Association was composed of all the large manufacturers of brick along the Hudson River. They supplied the metropolitan district.

The magnates of the industry from time to time held informal meetings at which the general conditions of the trade were discussed and the prices of brick were agreed upon. The actual fixing of prices, however, was effected largely through the activities of the Greater New York Brick Co. The manner in which those prices were fixed is testified to by Mr. William K. Hammond, one of the manufacturers who acted as his own selling agent. This is a quotation from Mr. Hammond's testimony:

> A customer who wants a load of brick will tell me what the others supply him with bricks at, and I will call up these parties, my competitors, and they will confirm it and say "Yes." The market price is quoted usually by the agent to his manufacturers daily, and on one day the manufacturer would ask why his brick is not sold, and usually says he wants an advance in brick and up goes brick pretty generally within a few days * * * the agents quoting uniform prices.

I read a paragraph now from the report:

> Uniformity of price and monopoly were assured by scrupulous enforcement by the manufacturer and the dealer of the rule that no dealer would buy from a manufacturer and no manufacturer would supply a dealer who was not a member of the parent organization.
>
> Frank L. Holmes, who was the sales agent for the Greater New York Brick Co., was asked, in this connection, the following question by Mr. Untermyer:
>
> "What I want to know from you is the name of anybody who is not a member of the association, who you know is not a member of the association, to whom you make sales of brick?—A. I can not tell you that."
>
> The Greater New York Brick Co. is a stock corporation organized by various brick manufacturers along the Hudson River. The stock was distributed to the members in proportion of the business done by them. The President, Mr. Fowler, testified that the company developed into a sort of an exchange or selling agency for the manufacturers of the State, and that the original purpose of the company was to make uniform prices.

Referring to the Association of Dealers in Masons' Building Material, the report says at page 91:

> The power of the association continued, however, to be exercised in the enforcement of its constitution and by-laws, under which most of the dealers in New York City were forced into its membership. Article 21 of the by-laws provided that no member who was a manufacturer should sell any material to any dealer within the jurisdiction of the association unless such dealer was a member of the association.

Omitting a part of the next paragraph, I read as follows:

> Inasmuch, as before stated, it was part of its unwritten law and apparently a law enforced by arrangement with the cement manufacturers that no person could buy brick from a dealer unless cement was purchased from the same dealer, it became impossible for an outside dealer to compete with a member of the association in the sale of building material. If a builder should defy this rule by buying his brick from an outside dealer he could get no cement.

I ask leave to insert in the RECORD at the end of my remarks, commencing with the paragraph entitled "Brick," on page 88, that portion of the report down to the paragraph relating to sand, gravel, and broken stone, on page 92.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ROBINSON. I have quoted this report to show that in one great community—and the same condition exists in all the large industrial centers—this industry is absolutely dominated by organizations within it.

Already there exists a shortage of household facilities throughout the United States because in large part of the excessive cost of building material. The industry is controlled absolutely in all the great building centers, and there is a shortage of housing facilities throughout the Nation. There is not the slightest justification for enabling this combination further to advance its prices to practice extortion on the American people. The rule that ordinarily applies in bona fide protective tariff legislation has no application in this case. There is no infant industry, there is no industry seriously menaced by competition with foreign industries. The sole effect of these exorbitant rates on this necessary building material will be to perpetuate and fasten upon the country this monopoly.

In the Lockwood report which I have put into the record, but in a part that I did not read, the statement is made that the conditions prevailing in New York are quite general throughout the country, especially in the large industrial centers. Why is it desired to put a tariff, a prohibitive tariff, that makes impossible the importation in any quantity of this necessary building material for the benefit of a combination that has outraged, robbed, and plundered the American people beyond the power of the human mind to conceive? It ought to be on the free list. There is no justification for putting a tariff of 25 per cent on it.

APPENDIX.

(3) BRICK.

The testimony of Marvyn Scudder, an expert accountant employed by the committee in relation to the cost of production to the selling price of brick, indicates the inflated prices at which these archprofiteers of the industry compel the public to pay.

Basing his conclusions on an examination of the books of the Empire Brick & Supply Co., which is the largest manufacturer of brick in the State, by direction of the committee, it appears from Mr. Scudder's figures that for the first six months of 1920 the cost of brick delivered at the job in New York City was $11.25 per thousand, for which the company realized $28.75 per thousand.

A number of the brick manufacturers were also members of the Association of Dealers in Masons' Building Materials in New York City. The membership of this association included manufacturers, jobbers, and dealers. There were three different branches connected with this central body:

(1) The Hudson River Brick Manufacturers' Association.
(2) The Builders' Supply Bureau of Manhattan and Bronx.
(3) The Masons' Supply Bureau of Queens and Brooklyn.

(a) Hudson River Brick Manufacturers' Association: The operations of the Hudson River Brick Manufacturers' Association were conducted largely through an organization known as the Greater New York Brick Co.

The Hudson River Brick Manufacturers' Association was composed of all the large manufacturers of brick along the Hudson River. They supplied the metropolitan district. These magnates of the industry from time to time held informal meetings at the Palantine Hotel, at Newburgh, N. Y., at which the general conditions of the trade were discussed and the prices of brick were agreed upon. The actual fixing of the price was, however, effected largely through the activities of the Greater New York Brick Co.

The manner in which these prices were fixed is testified to by William K. Hammond, one of the manufacturers who acted as his own selling agent:

"A customer who wants a load of brick will tell me what the others supply him with bricks at, and I will call up these parties, my competitors, and they will confirm it and say, 'Yes.' The market price is quoted usually by the agent to his manufacturers daily, and on one day the manufacturer would ask why his brick is not sold and usually says he wants an advance in brick, and up goes brick pretty generally within a few days * * * the agents quoting uniform prices."

Uniformity of price and monopoly were assured by scrupulous enforcement by the manufacturer and the dealer of the rule that no dealer would buy from a manufacturer and no manufacturer would supply a dealer who was not a member of the parent organization.

Frank L. Holmes, who was the sales agent for the Greater New York Brick Co., was asked in this connection the following question by Mr. Untermyer:

"What I want to know from you is the name of anybody who is not a member of the association, who you know is not a member of the association, to whom you make sales of brick?—A. I can't tell you that."

The Greater New York Brick Co. is a stock corporation organized by various brick manufacturers along the Hudson River. The stock was distributed to the members in proportion to the business done by them. The President, Mr. Fowler, testified that the company developed into a sort of an exchange or selling agency for the manufacturers of the State and that the original purpose of the company was to make uniform prices.

(B) Builders' Supply Bureau.—The Builders' Supply Bureau (which is said to have been dissolved since the indictment and plea of guilty of its members, including the brick manufacturers, but as to the genuineness of whose dissolution the committee entertains grave doubt) was in a sense a subsidiary of the Association of Dealers in Masons' Building Materials. Its operations extended over that part of the metropolitan district comprising Manhattan and The Bronx. It was a counterpart of the Masons' Supply Bureau which operated in Brooklyn and Queens and which claims also to have suspended its operations following the indictment and plea of guilty of its members (but as to the genuineness of which suspension the committee has not yet been able to make full inquiry). The methods of the two bureaus were identical. Both were essentially price-fixing associations.

Both bureaus embraced in their membership all of the important dealers in masons' supplies in New York City. They functioned along the following lines:

Whenever a member made a quotation on any commodity, he was required to file on that day with the bureau a card variously described as a "quotation" or "option" card. The members were then notified by the bureau of the quotations thus made.

Emma C. Schmitt, the secretary of the Brooklyn bureau, testified that as to each transaction she prepared a slip of paper on which she wrote "So and so have this day let an option on a job" and forwarded it to the other members. She stated that "it was practically a part of the routine."

The quotations of the various members having been thus divulged to all other members, the standardization of the prices became a simpler matter. In order that it might appear on record that contracts were actually closed upon the basis of these fixed or standardized prices, the rules required that each member should file with the bureau what was known as a "contract card." This card disclosed the terms on which the transaction was consummated and showed the prices charged for the material.

The evidence conclusively establishes that this card system resulted in a rigid uniformity of price. The card system was supplemented by weekly meetings of the members of the bureau. At all such meetings, and indeed at all times, the cards, both "Quotation" and "Contract," were accessible to the members of the bureau and open to their inspection.

In order to maintain a more vigilant supervision over its members to guard against infringement of the rules with respect to the filing of cards and to limit production, the members were further required to make monthly reports to the bureau showing the stock on hand of each member on the first day of the month, together with a statement of shipments made during the previous month. The methods employed by this bureau followed in a way the so-called "Eddy" system, otherwise known as the "New Competition by Open Price Associations." It placed in the hands of the dealer the most effective machinery for stifling competition and fixing prices.

(C) Association of Dealers in Masons' Building Material.—This association was composed of 42 members, and included both manufacturers and dealers in its membership. It was organized in 1900. Its jurisdiction extended over the city of New York except as to certain outlying portions of the city. Up to the year 1919 the association sent out to its members who were dealers a monthly sheet showing the prices prevailing in the market for the commodities in which the members did business, but at about the time of the investigation by the mayor's housing committee, for which the counsel for your committee acted for a short time and exposed the methods of this bureau, the practice of sending out this price sheet was discontinued.

The power of the association continued, however, to be exercised in the enforcement of its constitution and by-laws, under which most of the dealers in New York City were forced into its membership. Article 21 of the by-laws provided that no member who was a manufacturer should sell any material to any dealer within the jurisdiction of the association unless such dealer was a member of the association.

As a result of the rigid enforcement of this provision, every dealer in and about the city of New York was compelled to become a member of the association or go out of business. Although the organization seems to have discontinued its practice of directly fixing the prices of materials, it continues to maintain its vast power for evil by keeping its members solidly in line as a monopoly in masons' building material.

Inasmuch, as before stated, it was part of its unwritten law, and apparently a law enforced by arrangement with the cement manufacturers, that no person could buy brick from a dealer unless cement was purchased from the same dealer, it became impossible for an outside dealer to compete with a member of the association in the sale of building material. If a builder should defy this rule by buying his brick from an outside dealer, he could get no cement.

(D) Masons' Supply Bureau of Brooklyn: This association, as before stated, was also a member of the Association of Dealers in Masons' Building Materials. It was organized in February, 1918, at which time it had 16 members. The bureau operated on a card system identical with that of the Masons' Supply Bureau of Manhattan. Members were required to file every day in the office of the bureau a card showing the estimates made by each member on each job. This card was called the "option card." Members were also required to file in the office of the bureau what was known as a "contract card," showing the amount at which the contract was closed. They were further required to file with the bureau a monthly report showing all shipments made during the preceding month, and the amount of stock on hand on the first day of the month in which the report was filed. The option cards were open to inspection of all members.

Mr. McCUMBER. Mr. President, there were produced in the United States in 1920, 4,709,000,000 building bricks. The importations are so small, and have been, that they are not even made a note of. The report of the Tariff Commission says:

> Imports of common brick are negligible, and are confined to shipments from Canadian plants to points in the United States near the international boundary.

That is all I need to read to give the situation with reference to brick. If I thought, or if the committee thought, for one moment that this countervailing duty against a brickkiln on the Canadian side that exported its brick a few miles into the United States, it may be 100,000 a year free, while a brickkiln on the United States side would have to pay 25 per cent ad valorem to get its brick into Canada, would have the slightest effect on earth upon this great combine or help them in any way, we would have said to the little brickmaker out in Idaho, "We can not help you out against the brickkiln on the other side of the line because it would help perpetuate a great combination, and it is far better that you be killed than to have the entire country held up." But, Mr. President, everyone knows that the proposed amendment will not have the

slightest effect on the price of brick in the United States. Everyone knows that the combination about which Senators have been talking was created under the present law when bricks came in absolutely free from all countries, whether or not any other country levied a duty against our brick.

The only question is whether we should have even bothered to protect a little brick-kiln manufacturer at some place along the border who, perhaps, does not manufacture $25,000 worth of brick in a year. We thought it fair to say to the Canadian on the opposite side, "So long as your country imposes a 25 per cent ad valorem duty for making brick out of the same clay that is found across the international border, you will have to pay a similar duty for bringing your brick into the United States." It will affect only the little brickmaker along the border line and will not affect any others at all.

Mr. JONES of New Mexico. Mr. President——

Mr. McCUMBER. I yield to the Senator.

Mr. JONES of New Mexico. I have not studied the evidence regarding this particular item, but I have done so as to several other items which are produced along the Canadian border; and it is my impression that the American producers have been insisting upon a duty upon commodities from Canada, not because there is cheaper production in Canada, as a rule, but for the purpose of retaliation. Canada imposes a tariff on a number of United States products, and I have been strongly impressed with the idea that a great many of our producers are irritated because of that rather than that they are actuated by any fear that anybody can produce the commodity in Canada cheaper than it can be produced here.

I merely wonder if that is not the case regarding these brick; that some brick manufacturer has concluded that it is not fair for Canada to have a tariff against American brick and America not to have a tariff against Canadian brick. I became quite convinced that that was true regarding several other items; and I just wonder whether or not this is one of those retaliatory demands.

Mr. McCUMBER. I will say no; it is not retaliatory. I do not think that on one side or the other side of an imaginary line it is going to make any difference in the cost of producing brick.

Mr. JONES of New Mexico. It did not occur to me that it would.

Mr. McCUMBER. But the injustice is apparent when both are making their brick along the line and one can sell his brick on both sides of the line and the other can not. The proposed amendment will only affect the little territory contiguous to two brick kilns, one on each side of the line. It does not amount to anything substantial, although I am willing to admit that it will mean quite a lot to the man who is so situated that he is limited to selling his goods on one side of the line while his neighbor can sell it on both sides.

I want to say that we are putting on the free list brick from Canada or any other place in the world that imposes no duty against American brick. I do not know of anyone but the Canadian who can bring brick in in ballast under this change. The only question is whether it is worth our while to protect the few dozen brickmakers along the line.

Mr. JONES of New Mexico. I am inclined to believe that the Senator's statement rather indicates that my surmise is well founded and that the purpose of the amendment is largely for retaliation.

Mr. McCUMBER. No; it is designed to bring about equality, not retaliation.

Mr. JONES of New Mexico. Of course, the Senator may give it another name if he pleases.

Mr. McCUMBER. It has a different meaning altogether.

Mr. JONES of New Mexico. But it does not appear that there is any difference in the cost of production in Canada and in the United States, and it is a mere matter of transportation. So I just wondered if it will not be to the great injury of a number of American consumers to be compelled to transport their brick considerable distances from American brick producers when they have been getting their brick just across the border near home.

Mr. McCUMBER. It works the same on both sides, of course.

Mr. JONES of New Mexico. That is true; but it will undoubtedly inconvenience a number of people in the United States who have been getting their brick just across the border in Canada. I assume that it will not appear that there is one brick kiln on one side of the border and another brick kiln directly opposite on the other side, but it will probably be found that there is not a brick kiln on the United States side within a hundred miles of a brick kiln on the Canadian side along the border. The result will be that the transportation charge will be far more burdensome to the consumers of brick in many localities than will the slight amount of the duty.

Mr. ROBINSON. Mr. President, the serious feature of this subject is not in relation to the second amendment which the Senator from North Dakota proposes to offer if his first amendment carries, but it is the first amendment itself, imposing a duty of 25 per cent ad valorem on "bath brick, chrome brick, and fire brick, not specially provided for." In his brief filed with the committee the Representative from Idaho made this statement:

> There are two small plants producing fire brick located in my home county, Latah County, Idaho, and these plants are in competition with fire brick produced in Scotland, England, and elsewhere, where the wages and conditions are not at all adequate for the American laborer.

Of course, we all know the nature of this commodity. It is of such a nature that it is not possible for serious competition to occur between brick plants in Idaho and brick plants in England and Scotland. Idaho can not afford to manufacture brick to be sent to the Atlantic coast under any freight rate which is conceivable, and neither England nor Scotland can afford to manufacture brick and send them into the territory that Idaho could reach under any system that could be devised.

Mr. GOODING. Mr. President——

Mr. ROBINSON. I yield to the Senator from Idaho.

Mr. GOODING. I think the Senator is mistaken in that regard, because I have a letter from those owning brick kilns in Idaho, in which they state that at this time fire brick shipped direct from Scotland is piled up on the wharves of Seattle and Tacoma. Those brick have come around through the Panama Canal, carried in the holds of vessels as ballast.

Mr. ROBINSON. Small quantities have come in as ballast, but only small quantities. No considerable quantity of it can possibly reach the territory that the Idaho brick plants may reach.

Mr. GOODING. The principal market for the fire brick is in the larger towns, of course, such as Seattle and Tacoma.

I call the Senator's attention that at Claiborne, in British Columbia, there is a brickkiln that ships its product to Seattle for a freight rate $3.15 less a thousand than is charged on brick coming from the kilns in Idaho. So the British Columbia plant absorbs the market, for $3.15 on 1,000 brick, as a freight charge alone, is a good profit for anyone to make. Furthermore, Canada has a tariff of 24½ per cent against Idaho brick, and we can not ship brick into British Columbia and sell our commodity there at all.

Mr. ROBINSON. Therefore you do not want British Columbia to come over into the United States and sell her brick?

Mr. GOODING. We are willing to go 50–50 with them. Is not that fair?

Mr. ROBINSON. That is the proposition; because Canada has levied a tariff on importations of American brick we are to retaliate and levy a tariff on importations into the United States of Canadian brick.

Mr. GOODING. Canada has cheaper labor than we have in the western part of the United States; they have Chinese labor.

Mr. ROBINSON. How far is it from the brick plants in Idaho to the Canadian border?

Mr. GOODING. I think it is possibly 300 miles, or something like that.

Mr. ROBINSON. How far is it from the brick plants in Idaho to Seattle?

Mr. GOODING. I think in the neighborhood of 300 miles.

Mr. ROBINSON. To Seattle, Wash.?

Mr. GOODING. To Seattle, Wash.—300 or 400 miles—I am not quite sure of the distance, but I think it is about 300 miles.

Mr. ROBINSON. I am not prepared to controvert the Senator's figures with reference to the distance to the Canadian border, but I think the Senator will find it nearer 1,000 miles than 300 miles from Idaho to Seattle. However, that is not of controlling significance. From the conditions that surround the industry there is not the slightest possibility that material importations will occur, and the effect of the pending amendment imposing a rate of 25 per cent ad valorem will be to encourage further combination in the industry and to increase prices or to maintain prices which are already excessive.

I do not understand that there would be any serious danger of importations of brick into the United States which would be hurtful to the general interests of the country or to the brick industry even if brick were placed upon the free list, and I think it is a bad precedent and an unnecessary one to impose this high rate of duty on so necessary an article of common use.

SEVERAL SENATORS. Vote!

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Utah.

Mr. ROBINSON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STANLEY. Mr. President, I wish to be heard on the question before it is voted on. I suggest that if it is desired to have an executive session, it had better be had now, because I wish to discuss this schedule at some length, and I prefer not to proceed to-night. I can start to-night and talk for an hour and a half or two hours and then resume to-morrow, but it will add to the convenience of the Senate, as well as my own convenience, if I can surrender the floor at this time in order that the Senate may have an executive session and take up this schedule and discuss it briefly in the morning at 11 o'clock. I regard this schedule as important, and I much prefer to discuss it to-morrow than to discuss it to-night.

Mr. HARRISON. Mr. President, a parliamentary inquiry. Has unanimous consent been given to recess until 11 o'clock to-morrow?

The VICE PRESIDENT. Unanimous consent to that effect has been given.

Mr. HARRISON. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ball	Harris	McNary	Smoot
Brandegee	Harrison	New	Spencer
Bursum	Heflin	Newberry	Stanley
Calder	Jones, N. Mex.	Oddie	Sutherland
Capper	Jones, Wash.	Pepper	Swanson
Curtis	Keyes	Poindexter	Townsend
Dial	King	Rawson	Wadsworth
Edge	La Follette	Robinson	Warren
France	Lenroot	Sheppard	Watson, Ind.
Frelinghuysen	Lodge	Shortridge	Willis
Gooding	McCumber	Simmons	
Hale	McKinley	Smith	

The VICE PRESIDENT. Forty-six Senators have answered to their names. A quorum is not present. The Secretary will call the names of the absentees.

The Assistant Secretary called the names of the absent Senators.

The VICE PRESIDENT. Forty-six Senators have answered to their names. A quorum is not present.

Mr. McCUMBER. I move that the Sergeant at Arms be directed to procure the attendance of absent Senators.

The motion was agreed to.

Mr. HARRISON. A division, Mr. President.

Mr. SIMMONS. What was the motion?

Mr. McCUMBER. To bring in the absentees.

Mr. ROBINSON. I inquire of the Senator from North Dakota if he does not think we had better take a recess now?

The VICE PRESIDENT. The Sergeant at Arms will execute the order of the Senate.

Mr. ROBINSON. We have agreed by unanimous consent that when the Senate ceases its labors to-day it shall take a recess until 11 o'clock to-morrow, so that there is an order to take a recess.

Mr. SIMMONS. Mr. President, I want to say to the Senator from North Dakota that we have been operating here for some time under an understanding that we were to take a recess at 10 o'clock, and in many instances Senators have made their arrangements to go home at that hour. If the Senator wants to stay here until 12 o'clock, I think he ought to give us some little notice of it in advance, so that we will be prepared.

Mr. McCUMBER. I thought after we had discussed the brick matter for two days and finally I brought in a report to put brick on the free list, at least I would have the privilege of fixing it the way you wanted it, and put it upon the free list. I did not anticipate for a single moment that there would be any objection to that part of it.

Mr. SWANSON. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. SWANSON. No quorum is present, and no discussion is in order.

The VICE PRESIDENT. The point of order is well taken.

Mr. ROBINSON. Mr. President, I move that the Senate take a recess.

Mr. McCUMBER. I raise the point of order that there is no quorum present.

Mr. ROBINSON. I move that the Senate adjourn.

Mr. McCUMBER. I raise the point of order that there is a unanimous-consent agreement that when we close our session to-day we shall recess until 11 o'clock to-morrow.

Mr. ROBINSON. Mr. President, the Senator can not make a point of order that a recess is not in order and that a motion to adjourn is not in order. A motion to adjourn is always in order. The effect of agreeing to the motion to adjourn will be to suspend the proceedings of the Senate until 11 o'clock to-morrow. Unquestionably the Senate has a right either to adjourn or to take a recess. I do not think any parliamentarian will question that fact. If the Senator wants to filibuster in that way himself, he can be given an example of the effect of such a proceeding.

Mr. McCUMBER. I believe a point of order has been made against debate at this time.

Mr. ROBINSON. Mr. President, I move that the Senate do now adjourn.

Mr. CURTIS. Will the Senator withhold that motion? I hope the Senator from North Dakota will ask that the Senate take a recess until 11 o'clock to-morrow. We can not get a quorum here to-night.

Mr. ROBINSON. I withhold my motion to adjourn, but I will state that there will be no more agreements to recess unless the Senator from North Dakota sees fit to take a recess now or to adjourn.

Mr. McCUMBER. Mr. President, if the Senator had asked me in a real nice way to do that, I would have done it; but if the Senator——

Mr. ROBINSON. No; I will not ask the Senator, and the Senator can take his own course.

Mr. McCUMBER. If the Senator puts it in the form of a threat, I will answer him right back that I shall not make any request of that kind.

Mr. ROBINSON. Very well, Mr. President; I move that the Senate adjourn.

Mr. McCUMBER. I do not care what the Senator says; he is not going to drive me into any kind of a proposition of yielding or anything else. Does the Senator understand that?

Mr. ROBINSON. I respectfully request that the Senator from North Dakota be in order.

Mr. SWANSON. Mr. President, I rise to a point of order.

Mr. ROBINSON. There is not the slightest occasion for excitement on the part of anyone.

The VICE PRESIDENT. The Senate will be in order.

Mr. ROBINSON. I repeat, there is not the slightest occasion for excitement on the part of anyone. I move that the Senate do now adjourn.

Mr. TOWNSEND. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. ROBINSON. Mr. President, I move that the Senate do now adjourn. There is not the slightest occasion for excitement.

Mr. McCUMBER. And I hope that that motion will be opposed.

Mr. SWANSON. I ask for the yeas and nays on the motion to adjourn.

Mr. SPENCER. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. SPENCER. The Senate has, by unanimous consent, agreed that when its proceedings to-day are ended it shall recess until 11 o'clock to-morrow. A motion to adjourn is not in order.

The VICE PRESIDENT. The point of order is well taken.

Mr. LENROOT. Mr. President——

Mr. SWANSON. Did the Chair sustain the point of order that a motion to adjourn is out of order?

The VICE PRESIDENT. It is not in order. There is a unanimous-consent agreement for a recess.

Mr. SWANSON. I rise to a point of order. No quorum has been disclosed, and under the Constitution, as I understand, no motion is now in order except a motion to adjourn, which has been made; and I ask for the yeas and nays on the motion to adjourn.

The VICE PRESIDENT. The Senate has unanimously agreed that it will take a recess. Against that unanimous-consent agreement the Chair can not entertain a motion to adjourn.

Mr. LENROOT. Mr. President, will the Chair hear me for a moment? May I suggest to the Vice President that the precedents are otherwise; that notwithstanding a unanimous-consent agreement for a recess has been entered into, a motion to adjourn nevertheless is in order. If I can have a moment, I will get the precedents for the Chair.

RECESS.

Mr. CURTIS. I ask the Senator from Arkansas to withdraw his motion, that I may ask unanimous consent that the Senate now stand in recess until 11 o'clock to-morrow.

Mr. ROBINSON. With that understanding I will withdraw the motion.

Mr. McCUMBER. With that gentle request I will consent to it, but not through a threat.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kansas?

There being no objection, the Senate (at 10 o'clock and 45 minutes p. m.) took a recess until to-morrow, Friday, June 2, 1922, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 1, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, to-day is but another announcement of Thy sovereign rule in life. It proves that Thou hast not left us but art going with us all the way. We bless Thee that the beautiful and glorious mission of Thy revelation was born in divine mercy. O Thou in whose presence our souls find release, we thank Thee for the holy ministry of the uplifted cross. May its sacrifice make us humble; may its sympathy make us social; may its love make us loving; may its charity make us benevolent; may its grace make us courageous, and may the joy of the Lord be our abiding strength. Amen.

The Journal of the proceedings of yesterday was read and approved.

READJUSTMENT OF PAY AND ALLOWANCES OF THE ARMY, NAVY, ETC.

Mr. McKENZIE. Mr. Speaker, I desire to submit a conference report on the bill (H. R. 10972) to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service for printing under the rule.

RESIGNATION OF A MEMBER.

The SPEAKER laid before the House the following communication:

HOUSE OF REPRESENTATIVES,
May 26, 1922.

Hon. FREDERICK H. GILLETT,
House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: I have transmitted to the Governor of the State of Nebraska my resignation as a Member of the House of Representatives, effective June 4, 1922.

Sincerely yours,
C. F. REAVIS.

MEMORIAL EXERCISES FOR THE LATE REPRESENTATIVE ELSTON.

Mr. BARBOUR. Mr. Speaker, I ask unanimous consent that Sunday, June 25, 1922, be designated as the day for exercises in memory of the late Congressman JOHN A. ELSTON.

The SPEAKER. The gentleman from California asks unanimous consent that Sunday, June 25, 1922, be set aside for memorial exercises for the late Representative JOHN A. ELSTON. Is there objection?

There was no objection.

The SPEAKER. To-day is Calendar Wednesday, and the Clerk will call the roll of committees.

PROTECTION OF INTERSTATE AND FOREIGN COMMERCE FROM BRIBERY.

The Clerk called the roll of committees; when the Committee on the Judiciary was reached:

Mr. VOLSTEAD. Mr. Speaker, I call up for further consideration the bill (H. R. 10159) to further protect interstate and foreign commerce agaist bribery and other corrupt trade practices. I would like to know if there is anyone who wishes to use any time against the bill.

Mr. TILLMAN. I know of no one on this side who desires to oppose the bill.

Mr. VOLSTEAD. Then, Mr. Speaker, I yield 15 minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask unanimous consent to proceed out of order.

The SPEAKER pro tempore (Mr. MADDEN). The gentleman from Kansas asks unanimous consent to proceed out of order. Is there objection?

There was no objection.

Mr. CAMPBELL of Kansas. Mr. Speaker, it is time to call a spade a spade. There will not be another congressional investigation now to interrupt or halt the work of the Attorney General and the Department of Justice at the moment they are presenting evidence to a grand jury and asking for indictments of conspicuous conspirators and crooks who defrauded and robbed the Government during the war. [Applause.]

The Committee on Rules to-day disposed of the pending resolutions calling for such additional congressional investigation. I am able to say to my Republican colleagues that some of the most aggravated cases of fraud and conspiracy against the Government during the period of the war that were asked by resolution to be made the subject of another congressional investigation are now in the hands of a Federal grand jury in the District of Columbia. Other cases referred to are ready for presentation to the same jury as soon as those now under consideration are acted upon.

The work of the grand jury is not sensational. The crowd is absent. Reporters are not there. The functions of the grand jury constitute a process of Anglo-Saxon judicial procedure in bringing those charged with criminal offenses to the bar of justice. In the cases now being presented, and to be presented, the Attorney General hopes to send some conspicuous crooks who conspired to defraud and rob the Government during the war to the penitentiary.

The activities of a man in the Chicago convention will not operate in his defense in the grand-jury room. The presentation of a name to the San Francisco convention will not exempt his name from presentation by the grand jury. It is not difficult to understand the reason, therefore, for the attacks that have been made upon the Attorney General ever since it has been apparent that he was taking the necessary steps to bring the crooks who defrauded the Government to the bar of justice. There was no criticism; there were no attacks; photostatic copies or original letters relating to his private practice 12 or 13 years ago were not published and heralded to the country until after he cabled Morse, the millionaire shipbuilder, who was leaving the country under an assumed name, to return at once to face a possible indictment by a Federal grand jury for defrauding and robbing the Government. Morse, with many others associated with him, has been indicted. The court sustained the indictment yesterday. Ever since the indictment a flood of abuse has been turned upon the Attorney General, and continues to flow after the manner of the mouth of a sewer. Wittingly or unwittingly, those who indulge to-day in attacks on the Attorney General are aiding present and prospective defendants charged with robbing the Government when it was at war. [Applause.]

It is said there has been delay in commencing proceedings against those charged with these offenses. It must not be forgotten that the present Attorney General did not take charge of the Department of Justice until three years after the close of the war. The work of recovering documents withheld from the files during the war, or taken from the files some time during the three years following the war; the work of securing other evidence in place of that that was stolen; the work of locating important witnesses who had left the country, some to South America, some to Europe, has all taken time, unusual ability, and patience.

The steps taken by the Attorney General to do what has been done, what is being done now, and to prepare for what is to be done in the future were not given out for a daily sensation in the press. There has been a proper precaution to keep prospective defendants in ignorance of what has been going on in the Department of Justice. No precaution or necessary action has been overlooked. Last year the Attorney General took the necessary action to secure the extension of the period of the statute of limitations on crimes committed against the Government by contractors and conspirators during the war. Congress passed an act, and the statute of limitations has been extended. Months ago the Attorney General asked Congress to provide by law for an additional grand jury in the District of Columbia, where the venue lies in most cases of the frauds against the Government. Only a few days ago Congress passed an act creating the additional grand jury asked for. It was organized on yesterday and is taking testimony to-day against those who are charged with offenses against the Government growing out of the conduct of the war. Congress has made a special appropriation for the further preparation and for the prosecution of these offenses. The Attorney General has also asked for additional judges to help clear the dockets and speed the trial of cases in the courts, and the bill is still in conference between the two Houses.

On the 25th of March of this year, weeks before the speeches made on the floor of the House charging the Attorney General with unnecessary delay in prosecuting war grafters and the introduction of resolutions calling for an investigation of those charges, the Attorney General wrote a letter to former Congressman McCullough, of Ohio, who was a Member of the Graham committee investigating war contracts, urging him to accept employment in the Department of Justice in order to speed up action against those who had defrauded the Government in cantonment cases. In his letter the Attorney General expressed impatience with the delays. He was anxious for action. Mr. McCullough is in the Department of Justice to-day because of his familiarity with these frauds against the Government and of his ability as a lawyer.

Mr. Steinbrink, who was with Mr. Hughes in the aircraft investigation, has been employed to aid in these cases. Congressman REAVIS, of Nebraska, still a Member of this House, has been induced to resign and take part in the prosecution of

these frauds. He is an able lawyer and also was a member of the committee that investigated war contracts.

Colonel Anderson, of Virginia, one of the leading lawyers of the South, has consented to enter the Department of Justice to aid in the prosecution of fraud cases. Former Senator Thomas, of Colorado, is arranging his business so he can take part in the work of these prosecutions. Other men, whose names I am not at liberty to mention, conspicuous for their ability, are to aid the Department of Justice in these matters.

I want the Attorney General to know, and I know you want the Attorney General to know, and the country to know, that the House of Representatives wants action in the courts against those who robbed and defrauded the Government during the war, and punishment for their crimes, and recovery of their loot, instead of another congressional investigation that accomplishes nothing. [Applause.] We have had three years of congressional investigations and no results. The Department of Justice wants, the country wants, and Congress wants all the crooks and conspirators who participated in robbing and defrauding the Government, whether they be big or little, rich or poor, in office or out of office, to be brought to the bar of justice and there dealt with according to their deserts.

Now, just a word to you Democrats who are barking at the heels of the Attorney General and daily railing at the Department of Justice. You stood in silence for the period of the war. You did not raise voice or hand against conspiracies to defraud and rob the Government.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Not now.

During the war and for three years immediately following you defended conspirators and crooks against charges of wrongdoing.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Not now.

During all the years of the war, and for three years after you had full control of the executive departments of the Government and of all the files in all of the offices. You offered no protest while those who had robbed the Government were filching from the files evidence of their guilt and withholding or destroying it. The conspirators who defrauded, the crooks who robbed, and the evidence of their guilt were all under your control. You did nothing to prosecute them nor to preserve the evidence of their guilt. You did not institute either civil or criminal action in behalf of the Government against them as requested by this House by resolution on April 13, 1920.

They all enjoyed the benefit of your failure to act against them and your activities in their behalf. It is not strange therefore that you attack the Attorney General. It is the only way in which you can serve war crooks at the very moment he is presenting evidence against these crooks before a grand jury with a view of their indictment and conviction and subsequent action to recover the loot they took from the Government.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Not now.

You insist upon another congressional investigation instead of indictments and convictions in the courts. Another congressional investigation would afford a few harmless sensations. You do not mind that, and those already indicted and who stand in fear of indictment would like it. Action by the grand jury may start some of those who have so long enjoyed your protection on the road to the penitentiary. You apparently dread that, and it makes the prospective defendants shudder.

Notwithstanding your criticism and abuse, the processes of the courts will go on without interruption to the end that crimes against the Government may be prosecuted and trials proceed for the recovery of money and property of which the Government was robbed. Your abuse of the Attorney General now, and during the progress of the trial of these matters, is the best aid you can give to the defendants in criminal or civil actions.

These are cases of the whole people against these defendants. Everyone in any way connected with any of the departments of the Government should give hearty support to those in charge of the prosecution. The trials of these cases will proceed to a final issue in the courts. [Applause.]

Mr. TILLMAN. Mr. Speaker, I yield 15 minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. WALSH. Mr. Speaker, if the gentleman expects to discuss this matter——

Mr. GARRETT of Tennessee. I do, and I am going to conform to the requirements and ask unanimous consent to proceed out of order.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent to proceed out of order. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, if one did not know, one would naturally suppose from the speech of the gentleman from Kansas [Mr. CAMPBELL] that he must have been suffering an intense disappointment. Three weeks ago the Committee on Rules, of which the gentleman from Kansas is chairman, adopted a resolution introduced by the gentleman from Michigan [Mr. WOODRUFF] to create a committee for an investigation of the War Department, the Department of Justice, including the Alien Property Custodian Department. The deciding vote on that resolution was cast by the gentleman from Kansas [Mr. CAMPBELL], the chairman of the committee. It did not originate with Democrats.

Here is the Democratic position about this matter: It has been stated again and again. The Democrats have not cared to initiate a congressional investigation to embarrass the administration in any way, but they have been and are now willing to acquiesce in an investigation, and the Democratic administration never at any time has resisted an investigation.

Mr. Speaker, I happen to have been through some of these investigations somewhat intimately, and I want to state now—I want it to go down into the RECORD for whatever it may be worth—that never at any time during the Democratic administration did there ever the suggestion come from any person, in a place of high responsibility, any Cabinet officer, that there ought not to be an investigation of expenditures. Nor did any such suggestion ever come from any person in that administration who had any discretion in dealing with matters. No resistance was had here when you undertook to create a committee, and did create a committee, of the most intensely partisan character for the purpose of investigation; but you have now a situation which, if I am correctly informed, is such that the Attorney General of the United States has, somehow, in some way, induced the gentleman from Kansas [Mr. CAMPBELL], chairman of the Committee on Rules, to change his vote and vote not to investigate his department. [Applause on the Democratic side.]

The gentleman from Kansas, with whom I am personally friendly, now arises here on the floor and as an excuse for his own turn-coating, for his own weakness of will, for his own lack of intellectual integrity and courage, assails the Democratic administration and refuses to yield to a courteous inquiry as to what individual he would attack.

Mr. Speaker, it is extremely painful to have to indulge in this sort of talk, but I wish it understood here and now that never at any time during the Democratic administration, or now, has there been an objection from any individual, from the former President of the United States down to every man who had any discretion in official activity, to an investigation. The gentleman from Kansas makes an assault upon the past administration. The committee that you would create, if the gentleman had stood by his vote, would investigate the past administration. It would add to the Graham investigation, if it could. The House organization is in the hands of the Republicans. The Republicans would not suffer any injustice by a committee that might be appointed, and the Democrats would be investigated and the Democratic administration would be investigated as well as the Republicans, and they are ready for it. [Applause on Democratic side.]

I have here a letter from the former Attorney General of the United States, a man who was assailed more viciously, probably, than any official in high life, except the President himself, by the Republicans, during the latter part of his administration. I can not read all of the letter because I have not the time. He knows this committee would investigate him and he invites the investigation. What does your Attorney General say? [Applause on the Democratic side.]

Mr. Speaker, I ask unanimous consent at this time to insert here this letter from the Hon. Mitchell Palmer.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD by inserting the letter referred to. Is there objection?

There was no objection.

The letter referred to is as follows:

LAW OFFICES PALMER, DAVIS, AND SCOTT,
Washington, D. C., May 23, 1922.

Hon. FINIS J. GARRETT,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN: I hope that the House will pass the Woodruff resolution for the appointment of a committee to investigate "all contracts and expenditures made by the War Department, or under its directions, the Navy Department, or under its directions, and the Alien Property Custodian, or under his directions, during and since the late war with Germany." As Alien Property Custodian during the war I am particularly anxious that the American people should know the whole truth with respect to the operations of that office, and I should be very happy, indeed, if such a full and complete investigation would be made as would disclose not only all the voluminous details of the great task which fell to the Alien Property Custodian in taking over

and disposing of German property during the war but also all the plans, schemes, and propaganda now being forwarded by agents of the former German owners to undo a splendid piece of war work. The charges and insinuations now being made with respect to the Chemical Foundation and the Bosch Magneto Co. have been repeated many times and have already been fully investigated by two Senate committees, but until the final disposition of German property is made by legislation we may expect to hear them constantly reiterated. The trading-with-the-enemy act provides in section 12 that after the war the claims of enemy persons shall be disposed of as the Congress shall determine. Of course, I do not know the reason for the long delay of the Congress in legislating upon this important subject, but it occurs to me that an investigation of the character proposed in the Woodruff resolution might be very helpful to the Congress when it comes to consider such legislation. The Congress should know not only the disposition made of the German property but the character and purposes of the interests now trying to recover that property.

The Bosch Magneto Co. was German to the core. Before we entered the war its management violated our neutrality in the most infamous fashion. Its officers sought to conceal its true ownership behind a camouflage of German-American stockholders. They finally made sworn report, however, declaring all the stock to be enemy owned, and I thereupon took charge of the company. In the investigation as to its ownership Otto Heins, representing the German owners, declared its value to be $3,500,000. Its stock was finally sold through my direction at an open public auction sale, after wide advertisement, for $4,150,000 to the highest bidder, representing a syndicate of more than a hundred American bankers who organized a new corporation to make the business a 100 per cent American enterprise.

The sale was approved, after careful investigation, both as to adequacy of price and character of purchasers, by the advisory sales committee, the investigation and report having been made by two leading members of that committee—Otto T. Bannard, chairman of the board of the New York Trust Co., and George L. Ingraham, former chief justice of the appellate division of the Supreme Court of New York. The sale was regular in every respect and the intimations of fraud and crime in connection therewith do a serious injustice to many patriotic Americans who were earnestly engaged in performing a service for their country in ridding American business of the menace of German control during the war.

The Chemical Foundation is a nonprofit corporation, formed for the purpose of taking over nearly 5,000 American patents owned by Germans in the chemical industry, which patents had originally been taken out by Germans for the purpose of making it impossible for the chemical industry to develop in this country. The result of that policy was seen in the early days of the war when it became apparent to the world that the domination of the chemical industry was on the Rhine and its by-products—high explosives and poisonous gases—almost worked the wreck of civilization. To-day by reason of the Alien Property Custodian's plan of Americanizing these German patents and distributing them to American producers through a semi-public institution like the Chemical Foundation, having for its purpose only the development of the chemical science in America, it has become apparent that the world can never again be caught in the clutches of a German control of the chemical industry. I have no hesitation in saying that the biggest achievement of the Alien Property Custodian for the benefit of our country and its future welfare and security was the formation of the Chemical Foundation and the sale of these German patents to it. The Germans recognize its transcendent importance and would now resort to any device to set aside that sale and have the patents restored finally to their German owners, in the hope that they could thus again dominate the chemical industry of the world. Their present plan seems to be to discredit in the public mind by wide publicity of false charges every act of the Alien Property Custodian and thus persuade the Government of the United States, either through the Congress or through executive departments, to take such action as will restore to Germany the strangle hold upon American industry and commerce in many important lines of industry which the Alien Property Custodian loosened as a part of the Government's policy in prosecuting the war.

All the German property was taken over and the sales program was carried out during the incumbency of my successor, Hon. Francis P. Garvan, and myself. Neither of us has anything to conceal nor any apologies to offer to either the Germans or their friends in this country for the very considerable part which we took in advancing the interests of the United States in the important matters intrusted to our care. Let the investigation proceed. Let it be searching, thorough, and painstaking, so that the country may know—not the garbled half truths being broadcasted by the Germans and their friends, but the whole truth as can and will be told by all of the splendid Americans who helped in this great work.

Yours truly,

A. MITCHELL PALMER.

Mr. GARRETT of Tennessee. Mr. Speaker, the majority may do just what it pleases about this investigation. The responsibility is yours. If you do not want your officials investigated, you do not have to have them investigated; but I serve notice upon you now that you are not, with my consent, going to avoid an investigation of your own officials by attacking the officials of a former administration, who stand ready and anxious to participate in any investigation that you may desire to make. [Applause on the Democratic side.]

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that I may speak out of order.

The SPEAKER. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, the gentleman from Tennessee [Mr. GARRETT] just stated that at no time did any high official, any Cabinet officer of the former administration, express any objection to or desire or purpose to avoid a congressional investigation. I am willing to accept the word of the gentleman from Tennessee, so far as he is informed. I can say that no Cabinet officer, no high official, no official of any grade under this administration has ever at any time, so far as I know, and I am fairly well informed, I think, suggested that there should not be every and all the investigations that Congress may desire to make. [Applause on the Republican side.]

The Attorney General, the Secretary of War, and the Alien Property Custodian have each and every one said to me that, so far as they are concerned, they would welcome any investigation that Congress may desire to make. In fact, these officials have expressed the opinion that a resolution for an investigating committee having been reported out by the committee, it should be adopted. I personally am glad that the Committee on Rules rescinded its former action. I have never at any time believed that this was the time for further congressional investigation. We had our investigating committees at work nearly all of the last Congress. The time for congressional investigation of matters growing out of war activities has passed. The time for legal investigation and inquiry by legal officers of the Government, the time for examinations before grand juries, the time for trial, has arrived. A congressional investigation at this time could serve no other purpose than that of delay, of muddying the waters, of preventing prompt action by grand juries and of the courts.

I am not surprised that gentlemen whose names may figure in investigations before grand juries prefer a congressional investigation to action by the grand juries and the courts. That is perfectly natural; that is their only hope; and while charging no one—I know, as does everyone within the sound of my voice, that every man who fears the outcome of legal investigation, action of grand juries and by the courts, welcomes congressional investigation, because it causes delays, tends to muddy the water, and holds out the hope of immunity. The officers of the administration have not influenced our opinion that congressional investigations at this time are unwise. None of them suggested that they should not be undertaken. We of the majority, believing that the time for loose investigation and the airing of mere sensation has passed, and that the time for legal action is here, take the responsibility of seeing to it that the Department of Justice and grand juries and the courts shall not be delayed or hampered by congressional investigations of the matters they have under consideration. [Applause on the Republican side.]

Mr. TILLMAN. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. Mr. Speaker, my large interest in this matter is not confined to the small questions—they seem to me—that have been suggested by the gentleman from Wyoming [Mr. MONDELL] and the gentleman from Kansas [Mr. CAMPBELL]. My large interest in this matter is the same that is beginning to be indicated by the general public, which is voicing itself quite emphatically in some of the leading newspapers of the country, including some of the great Republican organs like the New York Tribune. Those journals carry us back to the time when the country was shocked at the appointment of Mr. Daugherty as Attorney General and proclaimed it in many ways. They carry us back to the more recent time when two gallant ex-service men, members, not of the minority party but of the majority party—Messrs. WOODRUFF and JOHNSON—rose on the floor of the House and made charges against the Attorney General that shocked many Members of the House upon both sides. They introduced a resolution for an investigation of the Attorney General. That resolution went to the Committee on Rules, and the chairman of that committee was so shocked by the direct and serious charges that had been made by Messrs. WOODRUFF and JOHNSON that for the first time in my acquaintance with him on the floor of the House he showed a quality of independence, a purpose to act without partisanship.

The chairman of the committee on the 3d of May voted for the resolution, and except for his so voting it could not have been passed, and now, forsooth, the chairman stands here and says the criticisms he hears in regard to the Attorney General and in regard to this whole business, makes him think of the issue from the mouth of a sewer. Yet he is responsible for those criticisms having been deliberately considered and for the resolution to investigate having been adopted. After the Attorney General had been in the office for more than a year, listening to and considering the charges against him, the chairman of the committee was instrumental in having the resolution passed by his committee and directed to be brought before the House. The gentleman from Wyoming may not be estopped from lecturing this side of the House, the gentleman from Wyoming may not be barred from using such epithets and characterizations as the gentleman from Kansas has employed, but the gentleman from Kansas surely is subject to the bar of estoppel. He is in the attitude to-day of that rather unadmirable individual in Bunyon's Pilgrims Progress, Mr.

Facing-both-ways. [Applause.] He not only knew of pending prosecutions on the 3d of May but he knew, as a man and a lawyer, how prosecutions are conducted. He perhaps did not then know that certain prosecutions were going to be set on foot, because not until later—until he had been spurred by the charges of Messrs. WOODRUFF and JOHNSON—did the Attorney General become active, but the gentleman from Kansas was as much a lawyer on the 3d of May and had as much acquaintance with the business of the courts on the 3d of May as he has now, and he found no reason on the 3d of May to try to stifle the resolution introduced by Mr. WOODRUFF and backed by Mr. JOHNSON of South Dakota. Nevertheless, he finds great reason for doing it to-day. Now, I wish to say this—and I speak for myself, and I think I can speak for every Member on this side of the House—that anyone who directly or indirectly charges that we who favor an investigation, who favor it, among other reasons, because the sentiment of the country calls for an investigation, that we are endeavoring to prevent the prosecution and conviction of malefactors can receive but one answer. If any such assertion should be made with respect to me or any of the gentlemen who surround me upon this side it shall be answered in only one way, and that by a sharp, short word of three letters. [Applause.] No one shall be permitted to attempt to deceive the country by any such assertion as that. We are here not only to support prosecutions but we are here, as the gentleman from Kansas is not, to support an inquiry into the conduct of officials who have been publicly arraigned because of their alleged misconduct.

The SPEAKER. The time of the gentleman has expired.

Mr. TILLMAN. I yield the gentleman five additional minutes.

The SPEAKER. The Chair would suggest to the gentleman that he is proceeding out of order.

Mr. MOORE of Virginia. I ask that I may speak out of order.

The SPEAKER. The gentleman from Virginia asks unanimous consent to speak out of order.

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask unanimous consent that the gentleman may proceed out of order. [Applause.]

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Virginia. If the gentleman was showing the same consideration and generous concern for his country as he shows for me, I would not have any cause to complain of him now. [Applause.] When I have the time and strength, not as a partisan but as an American citizen and Representative and as an American lawyer, I am going to discuss the record of the Attorney General since he took office. If the opportunity is afforded me, I shall undertake to show that his conduct is unparalleled so far in the history of the Department of Justice, and that if there ever was an official anywhere who ought to court investigation, if innocent, and, if guilty, ought to be brought to the bar of the Senate, it is the Attorney General; and when I deal with the subject I shall not confine myself altogether to the war-fraud cases, so called, but shall include cases which have arisen since the close of the war.

In April I introduced a resolution which was sent to the cemetery which is operated by the gentleman from Kansas [Mr. CAMPBELL], the chairman of the Committee on Rules—a cemetery where all Democratic measures are interred.

A MEMBER. The morgue.

Mr. MOORE of Virginia. That resolution had reference to the removal of officials of the Bureau of Engraving and Printing. In the remarks made somewhat later I said that the President had been guided and, in my opinion, wretchedly misguided by the Attorney General and by an official of the Treasury Department, and that under their guidance he had done a thing that was outrageous in its disregard of the interests and rights of a number of officials of the Government and in flouting the spirit of the civil service law. That resolution has not been considered and will not be considered. Certainly, no prosecutions can be prejudiced by having an investigation of that matter. And yet we are denied an ascertainment of the exact facts. I might make a showing here not only of the injustice that was done the country and the officials who were removed by the order of the President, but I might undertake to make clear to the men and women of the country—and there is a larger percentage of women in the Bureau of Engraving and Printing than serve any other department of this Government—that men have been placed, pursuant to the order which I believe had the Attorney General's full knowledge and active approval, at the very head of that bureau and who are to-day managing its affairs who are accounted by those who know them best as disreputable. [Applause.] I might produce a record from the Supreme Court of the District of Columbia that shows that a third man who was placed in the position that had been filled by a constituent of my friend from Tennessee [Mr. BYRNS]—his constituent was given a clean bill of health by the Treasury Department at 4.30 p. m., March 30, and dismissed at 6.30 the same day—who is under charges in a civil suit pending in the Supreme Court of the District of Columbia, one which the United States attorney of the District of Columbia and his superior, the Attorney General, should not ignore.

The SPEAKER. The time of the gentleman has expired.

Mr. TILLMAN. Mr. Speaker, I yield one more minute to the gentleman from Virginia.

Mr. MOORE of Virginia. Mr. Speaker, I had not expected to discuss this matter this morning, but I shall try to discuss it hereafter, not only with reference to the general situation in which we find ourselves with respect to the Department of Justice, but also with reference to this Bureau of Engraving situation. I do not and will not discuss it as a party man. I would scorn to take the strict partisan attitude the gentleman who faces me has taken this morning, and which is so inconsistent with his previous course on the same matter. Compared with the coat of many colors the gentleman has worn in the transaction relative to the Woodruff-Johnson resolution, the coat of Joseph would look like a mere monochrome.

I can only say one further thing this morning, that I am about to offer a resolution which will not call for the investigation of anybody or any department, but indicate how the House ought to save to itself the privilege of passing upon resolutions that are adopted by the Rules Committee and not be compelled to allow them to remain indefinitely in the pocket of the gentleman from Kansas weeks and months after his committee has directed them to be reported. [Applause.]

Mr. VOLSTEAD. I want to say that I intended to yield two minutes to the gentleman from Kansas [Mr. TINCHER], and after he concludes his speech I shall try to insist, if possible, that we keep to the bill under consideration.

Mr. TILLMAN. I wish to suggest that there have been three speakers on that side.

Mr. VOLSTEAD. I am not trying to cut off debate.

Mr. TILLMAN. If the gentleman is going to permit three speeches on that side, I insist that we have that many here.

The SPEAKER. The Chair is informed that the gentleman from Minnesota [Mr. VOLSTEAD] has used 20 minutes and the gentleman from Arkansas 21 minutes.

Mr. TILLMAN. I would suggest that if the gentleman from Kansas is to proceed out of order for two minutes, I should have the same amount of time. I understand the gentleman from Minnesota to yield five minutes more. I want the same time exactly.

Mr. VOLSTEAD. I yield five minutes to the gentleman from Kansas [Mr. TINCHER].

Mr. TINCHER. Mr. Speaker, I ask unanimous consent to proceed out of order.

Mr. TILLMAN. Mr. Speaker, reserving the right to object, I shall not object if the gentleman allows me to do the same thing over here and have the same amount of time.

The SPEAKER. The Chair will suggest that the gentleman from Minnesota is entitled to close, and if the gentleman from Arkansas uses more time, it should be used now. How much time is the gentleman from Minnesota going to yield?

Mr. VOLSTEAD. Two minutes more.

The SPEAKER. In order to equalize the time, the gentleman from Arkansas would have one minute. Will the gentleman from Minnesota use that time on this subject now and not wait until the gentleman has concluded?

Mr. VOLSTEAD. If you are going to speak out of order——

Mr. TILLMAN. All right. I bow to the decision of the chairman of the Judiciary Committee.

Mr. Speaker, I want to ask if the gentleman from South Dakota [Mr. JOHNSON] is on the floor.

The SPEAKER. The Chair does not see the gentleman.

Mr. TILLMAN. I will ask if the gentleman from Michigan is on the floor and if he desires any time?

Mr. WOODRUFF. I will state to the gentleman that I will be glad to utilize the minute he has remaining.

Mr. TILLMAN. I very gladly and cheerfully yield five minutes to the gentleman from Michigan.

The SPEAKER. The gentleman from Arkansas yields five minutes to the gentleman from Michigan [Mr. WOODRUFF].

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. WOODRUFF. Mr. Speaker, I can not say that I was surprised this morning when the gentleman from Kansas [Mr. CAMPBELL] pulled from his pocket a document, which I first anticipated might be my resolution, and proceeded to read. In his discussion of this question he has very carefully overlooked and ignored everything that has been charged in the House upon the subject of the way the Department of Justice has handled or mishandled the war-fraud cases. If he will examine the charges I have made and the charges that have been made by my friend from South Dakota [Mr. JOHNSON], not a one of which has been denied, he will recognize the fact that the promise of the Attorney General to properly handle the war-fraud cases is precisely the same promise that the same Attorney General made to the House and to the country one long year ago. If you will recollect, about a year ago Mr. Daugherty gave an interview to the press in which he stated he was about to bring these war grafters to justice; that it was his purpose when he was going on this fishing trip to throw back the little fish and keep only the big ones. As a matter of fact, when the Attorney General started out upon that fishing trip, I take it he must have forgotten his bait, because up to date if he has hooked a minnow or a whale the country has not been able to discover it. [Applause on the Democratic side.]

Now, Mr. Speaker, I approve very heartily the appointment of Mr. McCullough and the appointment of our colleague, Mr. REAVIS, as Assistant Attorney General. I have unbounded confidence in both of these gentlemen. I believe that if the Attorney General will turn them loose on these cases and let them do as they want to do, the country will be well satisfied with the way the Department of Justice will operate. But the Members here must always bear in mind that the Attorney General, who for 14 long months has brought to the bar of justice not one single grafter, in the present reorganization of his office retains to himself at all times the right to say who shall and who shall not be prosecuted.

Mr. JEFFERS of Alabama. Will the gentleman yield for a moment?

Mr. WOODRUFF. Certainly.

Mr. JEFFERS of Alabama. I just want to say that the reason why Mr. Daugherty reserves for himself the right to say who shall or shall not be prosecuted might be found in the words of the gentleman from Kansas [Mr. CAMPBELL] himself, if I remember the words correctly. In the course of his remarks he said that when these conspicuous crooks and grafters marched off to the penitentiary Daugherty might lead them there.

Mr. WOODRUFF. I do not care to comment upon that. But I do want to call the attention of the House to this one fact, and that is that Mr. REAVIS, Mr. McCullough, and Mr. Steinbrink, or anyone else, called in by the Attorney General to assist in the prosecution of these cases will be there only in the capacity of subordinates, and as such must do as they are told.

Mr. KING. Mr. Speaker, will the gentleman yield?

Mr. WOODRUFF. Certainly.

Mr. KING. Will these two eminent gentlemen be required to proceed in their prosecutions without the aid of Captain Scaife and Major Watts?

Mr. WOODRUFF. Unquestionably they will be. Up to date I have learned of no movement on the part of the Attorney General to call into these cases the men who have, for the Department of Justice, investigated these cases.

Mr. CARTER. Mr. Speaker, will the gentleman yield?

Mr. WOODRUFF. Certainly.

Mr. CARTER. When were Mr. McCulloch and Mr. REAVIS appointed?

Mr. WOODRUFF. I learned from the statement of the gentleman from Kansas [Mr. CAMPBELL] that Mr. McCulloch was invited some time in March last. Mr. REAVIS has been retained, I understand, during the past three weeks.

Mr. CARTER. Was not that more than 12 months after the present Attorney General had qualified, and after your resolution of investigation had been presented?

Mr. WOODRUFF. Yes. Mr. McCulloch has been retained to handle the cantonment cases, and this occurred more than six months after the man in the Department of Justice, in whose hands the Attorney General had placed the handling of these contracts, had announced that these cases were closed; that there was nothing to them.

Mr. CARTER. And if the gentleman will permit, that was the first act in his defense of the Attorney General; that was the first act that the gentleman from Kansas [Mr. CAMPBELL] has cited which the Attorney General has done to prosecute the war grafters?

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. TILLMAN. Mr. Speaker, does the gentleman desire more time?

Mr. WOODRUFF. Yes; I would like to have two minutes more.

Mr. SNELL. Mr. Speaker, reserving the right to object——

A MEMBER. Oh, no!

The SPEAKER. The gentleman, of course, has the right to object to his speaking out of order.

Mr. TILLMAN. I yield to the gentleman two minutes more.

Mr. WOODRUFF. I ask unanimous consent, Mr. Speaker, to proceed out of order.

The SPEAKER. The gentleman from Michigan asks unanimous consent to speak out of order. Is there objection?

Mr. SNELL. Reserving the right to object, it seems to me this discussion should come to an end some time. Is this the last speaker?

Mr. KING. You have let everybody speak here who wanted to speak.

The SPEAKER. Is there objection?

There was no objection.

Mr. KEARNS. Mr. Speaker, will the gentleman yield?

Mr. WOODRUFF. Certainly.

Mr. KEARNS. Does the gentleman know that early in January Mr. Daugherty, as Attorney General of the United States, announced that he was preparing to prosecute these war-fraud and graft cases?

Mr. WOODRUFF. I had not known of his January announcement, but I have already mentioned the one of a year ago. I know that the Attorney General stated two weeks ago that for many months he had been trying to secure the services of able and conscientious attorneys to handle these cases, and that he had been unsuccessful. And I want to say to you now that that is the most dastardly arraignment of the American bar that has ever been made. [Applause.]

Mr. KEARNS. I will make the statement to the gentleman that early in January he was trying to surround himself with deputy attorneys general to conduct the prosecutions; and I will say this, further, that these fraud cases were already present on the 11th day of November, 1918, and no Attorney General up to the 4th of March, 1921, ever turned a hand to prosecute any of them.

Mr. WOODRUFF. I am sure the gentleman would not expect the Attorney General of the preceding administration to prosecute either himself or his friends. [Applause.]

Now, Mr. Speaker, I want to say a word further about the Attorney General and his inability to secure able assistants in this work: Three weeks ago he announced that he had been entirely unsuccessful in securing these assistants, and yet two or three weeks later he announces that he has secured the services of very eminent gentlemen throughout the country, and that in the face of the fact that three weeks previously he had announced that for months and months he has been unable to find such gentlemen. [Applause.]

Now, just a word in closing. It is probable that the action of the Committee on Rules this morning has foreclosed action by the House upon this resolution. But I want to serve notice upon every Member of this House that if the Attorney General's department does not secure the results that he now states he will secure; if the Department of Justice does not properly function in these cases, you will find me here when Congress meets again calling attention to his dereliction, and you gentlemen who will have had an opportunity to go back home and talk to your constituents will come back here singing a different song from that which some of you have been singing here to-day. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. TINCHER].

The SPEAKER. The gentleman from Kansas is recognized for five minutes.

Mr. TINCHER. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. TINCHER. Mr. Speaker, I would not have asked for any time on this question had not my friend from Virginia [Mr. MOORE], who is ordinarily so passive and has such control of himself, evinced such feeling in this matter. He served notice here that he was going to take the floor later on to denounce the Attorney General of the United States.

I can recall when we had congressional investigations, at a time when I think they were in place, and I then thought it

was proper that we should have them, because we could not have anything else. The executive departments of the Government were in charge of the "class of" people so well expressed by the gentleman from Michigan a moment ago; and I can recall, too, that when the various subcommittees brought in their reports here the distinguished gentleman from Tennessee [Mr. GARRETT], who has evinced such feeling in this matter this morning, appeared before this House and with all the oratory and force that he used this morning advocated the minority report to the majority report of that subcommitee.

But that is neither here nor there. We have an Attorney General. I thought he was all right. I did not hear a man on that side of the House raise one word against the Attorney General until a certain incident occurred, and that was the indictment, or the notice that there would be an indictment, advocated by him, and backed up by him, of this man Morse. Immediately we began to hear speeches attacking him personally, going back into his record—speeches not only in this Chamber but in the other Chamber.

Who is Morse? Where are the Morse shipyards? Why is it that certain gentlemen on every occasion rise in their places in this House to denounce the Attorney General or say something slurring of him ever since that indictment? It has been charged in that indictment, and the indictment by the grand jury has been sustained by the courts, that he filched from the Government money to build a "mansion" in the grand Old Dominion of Virginia, in a certain congressional district.

Why all this feeling? Who wants to handicap Daugherty so that he can not obtain the conviction of Morse? I have no brief for any of them. I want every profiteer and every gouger who stole from this Government during the war prosecuted. I am thankful that this morning any Member of Congress who has facts can appear before the Federal grand jury here in this District and offer those facts where we can have prosecutions, instead of majority and minority reports from a congressional committee. [Applause.] That is the effective and orderly way. I am not opposed to any investigation when any fact warrants, but I do want prosecutions. Let us not clear Morse. Oh, I have passed the Morse shipyards. I know of the unfinished ships in the Morse shipyards and of the mansions that he was constructing with Government money, and I say to you that I bid Harry Daugherty Godspeed in this prosecution whether he some time in the past favored the pardon of that man or not. No matter what the past may have contained, if Morse is guilty of the things he is indicted for, no man's voice should be raised in his behalf in either Chamber of this Congress, and no man should throw mud at Daugherty simply because he has begun proceedings against Morse. Perhaps I am wrong, but did you ever hear a Democrat in either House of Congress criticize Harry Daugherty until Morse was indicted? I thank you. [Applause.]

Mr. Speaker, I yield back the remainder of my time.

Mr. GARRETT of Tennessee. Mr. Speaker, I think the gentleman has a little time remaining. Will the gentleman yield?

Mr. TINCHER. I said I yielded it back.

Mr. GARRETT of Tennessee. Will the gentleman yield before he yields back his time?

Mr. TINCHER. No; I have yielded my time.

Mr. VOLSTEAD. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: Page 3, line 15, after the word "him," strike out the word "many" and insert in lieu thereof the word "may."

Mr. VOLSTEAD. This is to correct a clerical error.

The amendment was agreed to.

Mr. VOLSTEAD. If no gentleman desires to make any further speech, I move the previous question on the bill to the final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. VOLSTEAD, a motion to reconsider the vote by which the bill was passed was laid on the table.

EMPLOYMENT OF FEDERAL PRISONERS.

The SPEAKER. Has the Committee on the Judiciary any further business?

Mr. VOLSTEAD. We have. Mr. Speaker, I call up House Concurrent Resolution 53, to create a joint committee of the Senate and House of Representatives to determine what employment can be furnished Federal prisoners, and for other purposes.

The SPEAKER. This bill is on the Union Calendar and the House automatically resolves itself into the Committee of the Whole House on the state of the Union. The gentleman from New York [Mr HUSTED] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of House Concurrent Resolution 53, with Mr. HUSTED in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of a concurrent resolution, which the Clerk will report.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That a special joint committee of the Senate and House of Representatives be created, composed of three members of the Committee on the Judiciary of the Senate and three members of the Committee on the Judiciary of the House of Representatives, to be designated by the President of the Senate and the Speaker of the House of Representatives, respectively, that shall investigate and report to Congress, not later than the first Monday in December, 1922, what articles it is desirable to manufacture in the United States penitentiaries at Leavenworth, Kans., and McNeil Island, Wash., the cost of erecting buildings and the equipment of such buildings with the necessary machinery for the production of any such articles, the probable cost of manufacture of such articles and the prices now paid under contract for such articles, and such other data as may be pertinent to the general inquiry. Such committee may employ clerical and stenographic assistance, and the expenses thereof and of the committee may be paid one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House of Representatives upon vouchers to be approved by the chairman of such joint committee, but such expenses shall not exceed $2,000, which sum may be appropriated therefor.

With the following committee amendments:

Page 1, line 10, after the figures "1922" insert "as to employment of prisoners and."

Page 1, line 11, after the word "to" insert the words "produce or."

Page 2, line 11, after the figures "$2,000" strike out the words "which sum may be appropriated therefor."

Mr. VOLSTEAD. Mr. Chairman, this legislation was suggested by the prison authorities and by the Attorney General. We have two prisons, one at Leavenworth, Kans., and another at McNeil Island, Wash., where at present there is no adequate provision for prisoners to do any sort of labor. The original proposition as I introduced it at the request of the Department of Justice was to create a commission consisting of members of the Appropriations Committees of the two Houses and the various prison authorities. When it came before the Judiciary Committee we concluded that it would be better to have a joint committee appointed from the membership of the Judiciary Committees of the two Houses, for the reason that those committees have jurisdiction of this sort of legislation. It would seem apparent that it would be better to have members of these two committees functioning in making this investigation in connection with the Department of Justice and the prison authorities than members of the Appropriations Committees, that have no power to report the necessary legislation.

It is very important that action be taken in the near future. Up to within a few months there has been more or less work to do in the erection of buildings upon the prison grounds, but the buildings are about completed and something else must be provided to give the prisoners employment. Everybody who has had anything to do with prison matters realizes that the worst thing possible is to have prisoners remain in confinement without some opportunity to work.

Mr. JOHNSON of Mississippi. What kind of work are the prisoners required to do at this time?

Mr. VOLSTEAD. At this time they are simply helping to construct buildings upon the prison grounds, but the buildings, as I said, are about finished. We did provide a cotton-duck factory at Atlanta, and there we have an opportunity to employ practically the entire force. During the last year, which was the first year when the Government cotton-duck factory operated, we saved $128,000 from the products manufactured by the prisoners there. There is no question but that prisoners can in a large measure be made self-sustaining if we furnish them suitable work. We realize that it is difficult to find work against which the labor organizations will not complain, but I think such work can be provided, and if the gentleman will read the letter of the Attorney General which is attached to the report he will find that the matter has been pretty carefully considered and that there is a kind of work that can be furnished to these prisoners that will not be seriously objected to by anyone so far as I know.

Mr. RAKER. Will the gentleman yield for a question?

Mr. VOLSTEAD. Yes.

Mr. RAKER. This concurrent resolution provides for the appointment of three members from the Senate Judiciary Com-

mittee and a like number from the Judiciary Committee of the House to make this investigation and report.

Mr. VOLSTEAD. Yes.

Mr. RAKER. Have not the two committees of the Senate and the House all the assistants, and could not the two committees jointly now determine what would be a feasible industry to be placed in the two places?

Mr. VOLSTEAD. It is believed that it would be better to have a joint committee, as that might aid in having the two committees agree on what should be done, and besides that, we believe it would be better to have a smaller committee act than the entire Judiciary Committees of the House and the Senate. They would have, of course, to consult the various officers who have charge of prison work, as there is no doubt an advantage to have a joint committee of this kind.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. VOLSTEAD. Certainly.

Mr. WILLIAMSON. Will it be the purpose of this committee to work out some plan later to be enacted into law whereby the prisoners will be employed in a profitable way?

Mr. VOLSTEAD. That is it.

The resolution was read for amendment.

The Clerk read the following committee amendment:

Page 1, line 10, after the figures 1922, insert "as to employment of prisoners and."

The amendment was agreed to.

The Clerk read the following committee amendment:

Page 1, line 11, after the word "to" insert the words "produce or."

The committee amendment was agreed to.

The Clerk read the following committee amendment:

Page 2, line 12, strike out the words "which sum may be appropriate therefor."

The committee amendment was agreed to.

Mr. VOLSTEAD. Mr. Chairman, I move that the committee do now rise and report the concurrent resolution to the House with the amendments, with the recommendation that the amendments be agreed to and that the concurrent resolution do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HUSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House Concurrent Resolution 53, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the resolution as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment?

There was no demand for a separate vote.

The amendments were agreed to.

The concurrent resolution was agreed to.

DEVELOPMENT AND ADMINISTRATION OF THE PORT OF NEW YORK.

Mr. VOLSTEAD. Mr. Speaker, I call up House Joint Resolution 337, granting consent of Congress and authority to the Port of New York Authority to execute the comprehensive plan approved by the States of New York and New Jersey by chapter 43, Laws of New York, 1922, and chapter 9, Laws of New Jersey, 1922.

The Clerk read the joint resolution, as follows:

Whereas pursuant to the agreement or compact entered into by the States of New York and New Jersey under date of April 30, 1921, and consented to by the Congress of the United States by resolution signed by the President on the 23d day of August, 1921, the two States have agreed upon a comprehensive plan for the development of the port of New York; and

Whereas the carrying out and executing of the said plan will the better promote and facilitate commerce between the States and between the States and foreign nations and provide better and cheaper transportation of property and aid in providing better postal, military, and other services of value to the Nation: Therefore be it

Resolved, etc., That, subject always to the approval of the officers and agents of the United States as required by acts of Congress touching the jurisdiction and control of the United States over the matters, or any part thereof, covered by this resolution, the consent of Congress is hereby given to the supplemental agreement between the States of New York and New Jersey evidenced by chapter 43, Laws of New York, 1922, and chapter 9, Laws of New Jersey, 1922, covering the comprehensive plan for the development of the port of New York embraced in said statutes in form following, that is to say:

"SECTION 1. Principles to govern the development:

"First. That terminal operations within the port district, so far as economically practicable, should be unified.

"Second. That there should be consolidation of shipments at proper classification points so as to eliminate duplication of effort, inefficient loading of equipment, and realize reduction in expenses.

"Third. That there should be the most direct routing of all commodities so as to avoid centers of congestion, conflicting currents, and long truck hauls.

"Fourth. That terminal stations established under the comprehensive plan should be union stations, so far as practicable.

"Fifth. That the process of coordinating facilities should, so far as practicable, adopt casting facilities as integral parts of the new system, so as to avoid needless destruction of existing capital investment and reduce so far as may be possible the requirements for new capital; and endeavor should be made to obtain the consent of local municipalities within the port district for the coordination of their present and contemplated port and terminal facilities with the whole plan.

"Sixth. That freight from all railroads must be brought to all parts of the port wherever practicable without cars breaking bulk, and this necessitates tunnel connection between New Jersey and Long Island, and tunnel or bridge connections between other parts of the port.

"Seventh. That there should be urged upon the Federal authorities improvements of channels so as to give access for that type of waterborne commerce adapted to the various forms of development which the respective shore fronts and adjacent lands of the port would best lend themselves to.

"Eighth. That highways for motor-truck traffic should be laid out so as to permit the most efficient interrelation between terminals, piers, and industrial establishments not equipped with railroad sidings and for the distribution of building materials and many other commodities which must be handled by trucks; these highways to connect with existing or projected bridges, tunnels, and ferries.

"Ninth. That definite methods for prompt relief should be devised which can be applied for the better coordination and operation of existing facilities while larger and more comprehensive plans for future development are being carried out.

"SEC. 2. The bridges, tunnels, and belt lines forming the comprehensive plan are generally and in outline indicated on maps filed by the Port of New York Authority in the offices of the secretaries of the States of New York and New Jersey and are hereinafter described in outline.

"SEC. 3. Tunnels and bridges to form part of the plan: (a) A tunnel or tunnels connecting the New Jersey shore and the Brooklyn shore of New York to provide through-line connection between the transcontinental railroads now having their terminals in New Jersey, with the Long Island Railroad and the New York connecting railroad on Long Island and with the New York Central & Hudson River Railroad and the New York, New Haven & Hartford Railroad in the Bronx, and to provide continuous transportation of freight between the Queens, Brooklyn, and Bronx sections of the port to and from all parts of the westerly section of the port for all of the transcontinental railroads. (b) A bridge and/or tunnel across or under the Arthur Kill, and/or the existing bridge enlarged to provide direct freight carriage between New Jersey and Staten Island. (c) The location of all such tunnels or bridges to be at the shortest, most accessible, and most economical points practicable, taking account of existing facilities now located within the port district and providing for and taking account of all reasonably foreseeable future growth in all parts of the district.

"SEC. 4. Manhattan service: The island of Manhattan to be connected with New Jersey by bridge or tunnel, or both, and freight destined to and from Manhattan to be carried underground, so far as practicable by such system, automatic electric as hereinafter described or otherwise, as will furnish the most expeditious, economical, and practicable transportation of freight, especially meat, produce, milk, and other commodities comprising the daily needs of the people. Suitable markets, union inland terminal stations and warehouses to be laid out at points most convenient to the homes and industries upon the island, the said system to be connected with all the transcontinental railroads terminating in New Jersey and by appropriate connection with the New York Central & Hudson River Railroad, the New York, New Haven & Hartford, and the Long Island Railroads.

"SEC. 5. Belt lines: The numbers hereinafter used correspond with the numbers which have been placed on the map of the comprehensive plan to identify the various belt lines and marginal railroads.

"No. 1, middle belt line: Connects New Jersey and Staten Island and the railroads on the westerly side of the port with Brooklyn, Queens, The Bronx, and the railroads on the easterly side of the port. Connects with the New York Central Railroad in The Bronx; with the New York, New Haven & Hartford Railroad in The Bronx; with the Long Island Railroad in Queens and Brooklyn; with the Baltimore & Ohio Railroad near Elizabethport and in Staten Island; with the Central Railroad Co. of New Jersey at Elizabethport and at points in Newark and Jersey City; with the Pennsylvania Railroad in Newark and Jersey City; with the Lehigh Valley Railroad in Newark and Jersey City; with the Delaware, Lackawanna & Western Railroad in Jersey City and the Secaucus meadows; with the Erie Railroad in Jersey City and the Secaucus meadows; with the New York, Susquehanna & Western, the New York, Ontario & Western, and the West Shore Railroads on the westerly side of the Palisades above the Weehawken Tunnel.

"The route of the middle belt line, as shown on said map, is in general as follows: Commencing at the Hudson River at Spuyten Duyvil, running easterly and southerly generally along the easterly side of the Harlem River, utilizing existing lines so far as practicable and improving and adding where necessary, to a connection with Hell Gate Bridge and the New Haven Railroad, a distance of approximately 7 miles; thence continuing in a general southerly direction, utilizing existing lines and improving and adding where necessary, to a point near Bay Ridge, a distance of approximately 18½ miles; thence by a new tunnel under New York Bay in a northwesterly direction to a portal in Jersey City or Bayonne, a distance of approximately 5 miles, to a connection with the tracks of the Pennsylvania and Lehigh Valley Railroads; thence in a generally northerly direction along the easterly side of Newark Bay and the Hackensack River at the westerly foot of the Palisades, utilizing existing tracks and improving and adding where necessary, making connections with the Jersey Central, Pennsylvania, Lehigh Valley, Delaware, Lackawanna & Western, Erie, New York, Susquehanna & Western, New York, Ontario & Western, and West Shore Railroads, a distance of approximately 10 miles. From the westerly portal of the Bay Tunnel and from the line along the easterly side of Newark Bay by the bridges of the Central Railroad of New Jersey (crossing the Hackensack and Passaic Rivers) and of the Pennsylvania and Lehigh Valley Railroads (crossing Newark Bay) to the line of the Central Railroad of New Jersey, running along the westerly side of Newark Bay and thence southerly along this line to a connection with the Baltimore & Ohio Railroad south of Elizabethport, utilizing existing lines so far as practicable and improving and adding where necessary, a distance of approximately 12 miles; thence in an easterly direction crossing the Arthur Kill, utilizing existing lines so far as practicable and improving and adding where necessary, along the northerly and easterly shores of Staten Island to the new city piers and to a connection, if the city of New York consents thereto,

with the tunnel under the Narrows to Brooklyn, provided for under chapter 700 of the laws of the State of New York for 1921.

"No. 2: A marginal railroad to The Bronx extending along the shore of the East River and Westchester Creek, connecting with the middle belt line (No. 1) and with the New York, New Haven & Hartford Railroad in the vicinity of Westchester.

"No. 3: A marginal railroad in Queens and Brooklyn extending along Flushing Creek, Flushing Bay, the East River, and the upper New York Bay. Connects with the middle belt line (No. 1) by lines No. 4, No. 5, No. 6, and directly at the southerly end at Bay Ridge. Existing lines to be utilized and improved and added to and new lines built where lines do not now exist.

"No. 4: An existing line to be improved and added to where necessary. Connects the middle belt line (No. 1) with the marginal railroad (No. 3) near its northeasterly end.

"No. 5: An existing line to be improved and added to where necessary. Connects the middle belt line (No. 1) with the marginal railroad (No. 3) in Lond Island City.

"No. 6: Connects the middle belt line (No. 1) with the marginal railroad (No. 3) in the Greenpoint section of Brooklyn. The existing portion to be improved and added to where necessary.

"No. 7: A marginal railroad surrounding the northerly and westerly shores of Jamaica Bay. A new line. Connects with the middle belt line (No. 1).

"No. 8: An existing line to be improved and added to where necessary. Extends along the southeasterly shore of Staten Island. Connects with middle belt line (No. 1).

"No. 9: A marginal railroad extending along the westerly shore of Staten Island and a branch connection with No. 8. Connects with the middle belt line (No. 1) and with a branch from the outer belt line (No. 15).

"No. 10: A line made up mainly of existing lines, to be improved and added to where necessary. Connects with the middle belt line (No. 1) by way of marginal railroad No. 11. Extends along the southerly shore of Raritan Bay and through the territory south of the Raritan River reaching New Brunswick.

"No. 11: A marginal railroad extending from a connection with the proposed outer belt line (No. 15) near New Brunswick along the northerly shore of the Raritan River to Perth Amboy, thence northerly along the westerly side of the Arthur Kill to a connection with the middle belt line (No. 1) south of Elizabethport. The portion of this line which exists to be improved and added to where necessary.

"No. 12: A marginal railroad extending along the easterly shore of Newark Bay and the Hackensack River and connects with the middle belt line (No. 1). A new line.

"No. 13: A marginal railroad extending along the westerly side of the Hudson River and the upper New York Bay. Made up mainly of existing lines—the Erie Terminal, Jersey Junction, Hoboken Shore, and National Docks Railroads. To be improved and added to where necessary. To be connected with middle belt line (No. 1).

"No. 14: A marginal railroad connecting with the middle belt line (No. 1) and extending through the Hackensack and Secaucus meadows.

"No. 15: An outer belt line extending around the westerly limits of the port district beyond the congested section. Northerly terminus on the Hudson River at Piermont. Connects by marginal railroads at the southerly end with the harbor waters below the congested section. By spurs connects with the middle belt line (No. 1) on the westerly shore of Newark Bay and with the marginal railroad on the westerly shore of Staten Island (No. 9).

"No. 16: The automatic electric system for serving Manhattan Island. Its yards to connect with the middle belt line and with all the railroads of the port district. A standard gauge underground railroad deep enough in Manhattan to permit of two levels of rapid-transit subways to pass over it. Standard railroad cars to be brought through to Manhattan terminals for perishables and food products in refrigerator cars. Cars with merchandise freight to be stopped at its yards. Freight from standard cars to be transferred onto wheeled containers, thence to special electrically propelled cars, which will bear it to Manhattan. Freight to be kept on wheels between the door of the standard freight car at the transfer point and the tailboard of the truck at the Manhattan terminal or the store door, as may be elected by the shipper or consignee, eliminating extra handling. Union terminal stations to be located on Manhattan in zones as far as practicable of equal trucking distance, as to pick-ups and deliveries, to be served by this system. Terminals to contain storage space and space for other facilities, the system to bring all the railroads of the port to Manhattan.

"SEC. 6. The determination of the exact location, system, and character of each of the said tunnels, bridges, belt lines, approaches, classification yards, warehouses, terminals, or other improvements shall be made by the Port Authority after public hearings and further study, but in general the location thereof shall be as indicated upon said map, and as herein described.

"SEC. 7. The right to add to, modify, or change any part of the foregoing comprehensive plan is reserved by each State, with the concurrence of the other."

And the consent of Congress is hereby given to the carrying out and effectuation of said comprehensive plan, and the said Port of New York Authority is authorized and empowered to carry out and effectuate the same: *Provided*, That nothing herein contained shall be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of said agreement: *Provided further*, That no bridges, tunnels, or other structures shall be built across, under, or in any of the waters of the United States, and no change shall be made in the navigable capacity or condition of any such waters, until the plans therefor have been approved by the Chief of Engineers and the Secretary of War.

SEC. 2. That the right to alter, amend, or repeal this resolution is hereby expressly reserved.

Mr. VOLSTEAD. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. ANSORGE].

Mr. ANSORGE. Mr. Speaker, on August 23, 1921, President Harding signed the bill known as the Edge-Ansorge joint resolution granting consent of Congress to the treaty between the States of New York and New Jersey, creating the port of New York district and establishing the Port of New York Authority for the comprehensive development of the port of New York.

Now, the two States have agreed upon the detailed plans for the development of the port and by the bill now before the House consent and authority of Congress is asked to the carrying out and effectuation of the comprehensive plan and that the Port of New York Authority be authorized and empowered to carry out and effectuate the same.

The detailed plans approved by this bill provide for extensive tunnels, bridges, terminals, and belt lines which will bring the transcontinental railroads into the city of New York, thereby eliminating congestion, delay, and expense of distributing foodstuffs and other commodities to the people of Greater New York and vicinity. The plans provide that terminals within the port shall be unified and consolidation of shipments shall be made at proper points to eliminate duplication of effort, congestion, and long truck hauls. Another provision calls for the laying out of highways for motor-truck traffic, for prompt and efficient distribution of building material and other commodities which must be handled by trucks, such highways to connect with existing or proposed bridges, tunnels, and ferries.

Heretofore the lack of cooperation between the two States in the development of the port of New York has been mainly responsible for the congestion which now characterizes the receipt and distribution of foodstuffs in the city of New York and adjoining territory. At the present time the terminal facilities at the port are woefully inadequate and antiquated.

It is estimated that it now costs three times as much to move foodstuffs from the meadows of New Jersey to upper Manhattan and the Bronx as it does to bring them all the way from the Middle West to the meadows of New Jersey.

For many years the States of New York and New Jersey have been endeavoring to reach an agreement whereby they could cooperate in developing New York Harbor and the contiguous waterways and ports.

Four years ago the two States by legislative enactment created a joint commission, which made a thorough study of harbor conditions. In conformance with the recommendations of that commission, which was known as the New York-New Jersey Port and Harbor Development Commission, the two States entered into an agreement or compact for the creation of the port of New York district and the establishment of the Port of New York Authority for the comprehensive development of the port of New York. That treaty or compact between the two States was signed with appropriate ceremonies at the chamber of commerce in the city of New York on April 30, 1921.

It has been said that the signing of that treaty was one of the most important events in the history of the two States and in the annals of real constructive progress in the United States.

To indicate the nonpolitical character of the Port of New York Authority it is interesting to note that the Republican governor of New York has appointed the former Democratic governor of New York as one of the members of the Port Authority to represent New York. The State platforms of both the Republican and Democratic parties in 1920 advocated the creation of a port authority with adequate powers to develop the port. There never was a project that savored less of politics and sectionalism than the proposed plan to develop the port under unified joint control.

The treaty expressly provides that no property held by any city or municipality shall be used without the consent of such city or municipality. Nor has the State of New York or the State of New Jersey parted with any of their sovereign rights nor relinquished control of any property belonging to the people of the two States. Furthermore, the joint resolution heretofore adopted and the one now before the House expressly provide that nothing therein contained shall be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of the agreement. The Secretary of War has already passed upon the bill before the House and several provisions suggested by him have been incorporated in the bill as reintroduced by me on May 26, 1922. The principal proviso added at the suggestion of the War Department is that contained on page 13 of the bill to the effect that—

> No bridges, tunnels, or other structures shall be built across, under, or in any of the waters of the United States, and no change shall be made in the navigable capacity or condition of any such waters until the plans therefor have been approved by the Chief of Engineers and the Secretary of War.

It will be seen, therefore, that neither the treaty nor the comprehensive plan violates any principle of home rule, and that the cities, States, and the Nation are fully protected.

The adoption of the treaty and the comprehensive plan between the two States were the first real progress made by the two States to jointly develop the port of New York.

One of the reasons why the port of New York has not received its share of congressional appropriations has been that the two States were not in harmony and failed to join in any requests.

Prior to the study by the New York-New Jersey Port and Harbor Development Commission the two States had done nothing except to encourage rivalry in the port. The Army Board of Engineers was unwilling to indorse appropriations for developing the port until there was some plan for the future. At one time New Jersey sought to secure a differential in its favor against New York. In the harbor-pollution case New York actually sued New Jersey in the United States Supreme Court. Each State said the other was polluting the harbor. The United States Supreme Court told both States to go back and sit around the table and agree upon a constructive solution of the harbor-pollution problem. In the rate case the Interstate Commerce Commission told both States to sit around a table and work out a constructive plan. Now, the States, by the treaty and comprehensive plan of development, have "agreed not to disagree" and to work jointly in the development of the port of New York, which is not alone an asset of the two States but an asset of the entire Nation.

The Secretary of War, in giving his approval to the original treaty resolution, stated that any improvement to the port of New York would be of benefit to the entire Nation. President Harding, in signing the Edge-Ansorge bill, congratulated the States of New York and New Jersey upon the spirit of cooperation for the future development of the port under unified joint control. The President expressed the hope that under the authority granted by the joint resolution the port of New York would become an ever-increasing asset of the Nation. That the House and Senate took a broad view of the proposed improvement to the port is evidenced by the fact that the resolution passed both Houses last July without a dissenting vote.

To date but 3 per cent of all Federal appropriations for river and harbor improvement have been expended on New York, and this in spite of the fact that more than 51 per cent of all the commerce of the Nation passes through the port of New York. This undoubtedly looks like discrimination. But there has been reason in the past for the failure of Congress to make necessary appropriations; till now we have had no constructive plan to present to Congress. New York and New Jersey were at loggerheads and were working at cross-purposes. Since the treaty of 1834 between the two States New York and New Jersey had done nothing jointly for the constructive development of the port. There was no cooperation of any sort either within the States or between the States. If, therefore, the people within the New York part of the district are for the first time realizing their unity, and under the leadership of the Port of New York Authority are working toward a comprehensive plan, Congress is not wholly to blame if we have not secured for New York port the fair share of appropriations to which we are entitled. I am satisfied that now the comprehensive plan for the improvement of the port of New York has been adopted by the two States, we shall be able to secure adequate cooperation from Congress to make it effective. The cost of doing business at the port of New York is reflected throughout the entire country. The port of New York is not a local matter. It is distinctly national in scope and function.

The port of New York should be efficiently and constructively organized and furnished with modern methods of pier, rail, water, and freight facilities and adequately protected in time of war.

The treaty between New York and New Jersey and the comprehensive plan adopted by the legislatures, and for which consent of Congress is, I hope, about to be given, mark the culmination of the most forward step ever taken for the intelligent and comprehensive development of the greatest natural port in the world. [Applause.]

Mr. MONTAGUE. Mr. Speaker, in the interest of more accurate procedure and in more concrete conformity to the authorization of Congress, I move to amend, on page 4, line 23, by striking out the words "is authorized and empowered" and inserting after the word "the," in line 23, the words "the consent of Congress is hereby given to the."

The SPEAKER pro tempore. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MONTAGUE: Page 12, line 23, after the word "Authority," strike out the words "is authorized and empowered" and, in the same line, after the word "the," insert the words "consent of Congress is hereby given to the."

Mr. MONTAGUE. Mr. Speaker, the Constitution authorizes Congress to consent to the agreement between these States. We have given that consent. Here is language which authorizes Congress in turn to authorize and empower the city of New York to carry out a certain agreement. We can do no more than consent. The authority of the Port of New York Authority to effectuate this plan is derived from the agreement itself, to which we will give consent because there is no objection to the bill. Therefore, in the interest of better practice and to conform to the organic requirement, I think the amendment which I have suggested should be adopted.

Mr. ANSORGE. Mr. Speaker, I would like to be recognized in opposition to the amendment.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. ANSORGE].

Mr. ANSORGE. Mr. Speaker, I dislike very much to oppose the amendment suggested by the gentleman from Virginia [Mr. MONTAGUE]. It seems to me that if we add the words suggested by him we are in effect repeating the language of lines 21 and 22 of page 12 and not adding anything not already contained in the resolution. Furthermore, by lines 23 and 24 of page 12 the Port of New York Authority is merely authorized to proceed and carry out certain plans which it has made. The Federal Government is not surrendering any right by telling the two States to proceed and do what they have agreed to do. The proviso beginning on line 24 protects the Federal Government so that the Federal Government is not surrendering any of its rights over its navigable waters. That proviso reads as follows:

That nothing herein contained shall be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of said agreement: *Provided further*, That no bridges, tunnels, or other structures shall be built across, under, or in any of the waters of the United States, and no change shall be made in the navigable capacity or condition of any such waters until the plans therefor have been approved by the Chief of Engineers and the Secretary of War.

Section 2 of the resolution reserves to the Federal Government the right to alter, amend, or repeal the resolution, as is usual in resolutions of this kind.

Then also, at page 2, there is the further proviso that—

Subject always to the approval of the officers and agents of the United States as required by acts of Congress touching the jurisdiction and control of the United States over the matters or any part thereof covered by this resolution the consent of Congress is hereby given, etc.

It seems to me that the Federal Government is amply protected by the resolution as now drawn.

There is another reason why we can not consent to that, even though the gentleman from Virginia might think it an immaterial change. The port authority, representing the two States, has passed on this detailed plan and the form of the resolution, and it has also been passed upon by the War Department. To make any such change as is now proposed would require us to again confer with the Secretary of War, who has already passed on this precise language. I think the Federal Government is sufficiently protected by the language as it now reads.

Mr. MONTAGUE. Mr. Speaker, will the gentleman yield?

Mr. ANSORGE. Yes.

Mr. MONTAGUE. Mr. Speaker, I do not desire to obstruct the passage of the resolution. I simply desire that the House maintain its constitutional integrity. The Congress can not authorize the States to make an agreement, and the gentleman making that statement falls into error. The Congress under the Constitution can only consent to an agreement made by the States, which is invalid without such consent. The States of New York and New Jersey have entered into an agreement to which we heretofore consented. These States now come with a supplementary or auxiliary agreement and ask us also to consent to it. But the bill not only provides for consent to that agreement but authorizes a corporate body—the Port of New York Authority—to effectuate the agreement.

Mr. SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. MONTAGUE].

Mr. MONTAGUE. Mr. Speaker, if the Port of New York Authority has any authority to effectuate this agreement, it must derive that authority from the agreement itself, to which the Congress must consent. So that the language in question is either surplusage or in violation of the jurisdiction of Congress. I do not think Congress should undertake by language, however impotent, to give to any corporate body an authority which must be found in an agreement to which Congress can alone consent and can not authorize.

Mr. FAIRCHILD. Mr. Speaker, will the gentleman yield?

Mr. MONTAGUE. Yes.

Mr. FAIRCHILD. Does not the gentleman think that the provisos to which my colleague has referred fully protect the United States?

Mr. MONTAGUE. I do not know but that the Government would be protected in any event—not by the provisos, because I think the courts would interpret this so-called authorization

as either a nullity or a consent; but the particular provisos to to which he alludes relate only to the subject of control of navigation. Take the subject of bridges over navigable waters. The Congress can not authorize the construction of the bridge, it consents to such construction. The clause alluded to by the gentleman from New York [Mr. ANSORGE] is inserted in order to protect navigation, which is usually done by requiring the approval of the Chief of Engineers, and so forth.

Mr. FAIRCHILD. If the gentleman will yield further, the first proviso is broader than bridges, and is as broad as any possible right the United States Government can have.

Mr. MONTAGUE. The gentleman is entirely right. If the agreement to which we are asked to consent does not confer the authorization upon the Port of New York Authority, Congress can not confer it by the language to which I object.

Mr. LAYTON. Will the gentleman yield?

Mr. MONTAGUE. I will.

Mr. LAYTON. I desire to ask the gentleman whether this would not subserve his purpose as well as the purpose of the gentleman from New York, if the section was amended as follows, "and the consent of Congress is hereby given to the carrying out and effectuation of said comprehensive plan by the said Port of New York Authority," and then stop?

Mr. MONTAGUE. Well, I doubt whether the gentleman will agree to that. He desires consent for the Port of New York Authority to do something which the agreement alone must authorize.

Mr. LAYTON. Suppose you leave out the words "authorized and empowered" and make the proviso read as follows: "and the consent of Congress is hereby given to the carrying out and effectuation of said comprehensive plan by the said Port of New York Authority."

Mr. MONTAGUE. I will say to the gentleman and the gentlemen of the committee that the Constitution of the United States confers upon the Congress in words the authority to consent to the agreement. There is a clear distinction between consenting and authorizing, and I do not think we ought to undertake to confer power when we have no authority to confer.

Mr. CHANDLER of New York. Will the gentleman yield?

Mr. MONTAGUE. I will.

Mr. CHANDLER of New York. The use of the word "authorized" there is merely a verbal way of saying that we give consent.

Mr. MONTAGUE. It is a bad way and we ought not to do such a thing.

Mr. CHANDLER of New York. Why the amendment, if it means nothing but that?

Mr. MONTAGUE. We are dodging our duty and hiding under words that we ought not to use.

The SPEAKER pro tempore. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

The joint resolution was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. ANSORGE, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

LARCENY OF FREIGHT IN INTERSTATE COMMERCE.

Mr. VOLSTEAD. Mr. Speaker, I call up for consideration the bill H. R. 10768.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 10768) to amend an act entitled "An act to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles in process of transportation in interstate shipment, and the felonious asportation of such freight or express packages or baggage or articles therefrom into another district of the United States, and the felonious possession or reception of the same," approved February 13, 1913 (37 Stat., p. 670).

Be it enacted, etc., That the act entitled "An act to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles in process of transportation in interstate shipment, and the felonious asportation of such freight or express packages or baggage or articles therefrom into another district of the United States, and the felonious possession or reception of the same," approved February 13, 1913 (37 Stat., p. 670), be, and the same is hereby, amended so as to read as follows:

"That whoever shall unlawfully break the seal of any railroad car containing interstate or foreign shipments of freight or express, or shall enter any such car with intent, in either case, to commit larceny therein; or whoever shall steal or unlawfully take, carry away, or conceal, or by fraud or deception obtain from any railroad car, station house, platform, depot, steamboat, vessel, or wharf, with intent to convert to his own use any goods or chattels moving as, or which are a part of or which constitute, an interstate or foreign shipment of freight or express, or shall buy, or receive, or have in his possession any such goods or chattels, knowing the same to have been stolen; or whoever shall steal or shall unlawfully take, carry away, or by fraud or deception obtain, with intent to convert to his own use, any baggage which shall have come into the possession of any common carrier for transportation from one State or Territory or the District of Columbia to another State or Territory or the District of Columbia, or to a foreign country, or from a foreign country to any State or Territory or the District of Columbia, or shall break into, steal, take, carry away, or conceal any of the contents of such baggage, or shall buy, receive, or have in his possession any such baggage or any article therefrom of whatever nature, knowing the same to have been stolen, shall in each case be fined not more than $5,000 or imprisoned not more than 10 years, or both, and prosecutions therefor may be instituted in any district wherein the crime shall have been committed. The carrying or transporting of any such freight, express, baggage, goods, or chattels from one State or Territory or the District of Columbia into another State or Territory or the District of Columbia, knowing the same to have been stolen, shall constitute a separate offense and subject the offender to the penalties above described for unlawful taking, and prosecutions therefor may be instituted in any district into which such freight, express, baggage, goods, or chattels shall have been removed or into which they shall have been brought by such offender."

SEC. 2. That nothing in this act shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof; and a judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution hereunder for the same act or acts.

SEC. 3. That to establish the interstate or foreign commerce character of any shipment in any prosecution under this act the waybill of such shipment shall be prima facie evidence of the place from which and to which such shipment was made.

Mr. JOHNSON of Mississippi. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] Evidently there is no quorum present.

Mr. WALSH. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

Andrew, Mass.	Dupré	Larson, Minn.	Riddick
Anthony	Evans	Lazaro	Riordan
Arentz	Faust	Lee, Ga.	Robertson
Aswell	Fenn	Lee, N. Y.	Rosenbloom
Atkeson	Fields	Lehlbach	Rossdale
Bacharach	Fish	Linthicum	Rouse
Bankhead	Fitzgerald	Logan	Ryan
Beck	Focht	London	Sanders, Ind.
Bell	Fordney	Longworth	Sanders, N. Y.
Benham	Frear	Lyon	Scott, Mich.
Black	Frothingham	McArthur	Sears
Blakeney	Fuller	McCormick	Shreve
Boies	Gallivan	McKenzie	Siegel
Bond	Gernerd	McLaughlin, Nebr.	Sinclair
Bowers	Glynn	McLaughlin, Pa.	Slemp
Brand	Goldsborough	McPherson	Smith, Mich.
Brennan	Gould	MacGregor	Smithwick
Britten	Graham, Ill.	Madden	Snyder
Brooks, Pa.	Greene, Vt.	Maloney	Stafford
Brown, Tenn.	Griffin	Mann	Stedman
Burdick	Hawley	Mead	Stevenson
Burke	Henry	Michaelson	Stiness
Burtness	Herrick	Montoya	Stoll
Cable	Hill	Moore, Ill.	Sullivan
Campbell, Kans.	Himes	Moore, Ohio	Swank
Cantrill	Hoch	Moores, Ind.	Sweet
Carew	Hudspeth	Mudd	Swing
Clark, Fla.	Hutchinson	Murphy	Tague
Classon	Ireland	Nelson, A. P.	Taylor, Ark.
Cockran	Jacoway	Nelson, J. M.	Taylor, Colo.
Codd	James	Nelson, Me.	Taylor, Tenn.
Cole, Iowa	Jefferis, Nebr.	Nolan	Temple
Cole, Ohio	Johnson, S. Dak.	O'Brien	Thomas
Collins	Johnson, Wash.	Padgett	Tilson
Colton	Jones, Pa.	Paige	Timberlake
Connell	Kahn	Parks, Ark.	Treadway
Connolly, Pa.	Kelley, Mich.	Patterson, N. J.	Tucker
Cooper, Ohio	Kennedy	Perkins	Tyson
Cooper, Wis.	Ketcham	Perlman	Vare
Copley	Kiess	Petersen	Vestal
Coughlin	Kindred	Porter	Voigt
Cramton	Kinkaid	Pou	Volk
Cullen	Kitchin	Pringey	Ward, N. Y.
Davis, Minn.	Knight	Rainey, Ala.	Wason
Dempsey	Knutson	Ransley	Weaver
Dickinson	Kunz	Rayburn	White, Kans.
Drane	Lampert	Reavis	Wood, Ind.
Driver	Langley	Reed, N. Y.	Woods, Va.
Dunn	Larsen, Ga.	Rhodes	Young

The SPEAKER. Two hundred and thirty-six Members have answered to their names, a quorum is present.

Mr. CHINDBLOM. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. VOLSTEAD. Mr. Speaker, this looks like a long bill, but let me call your attention to the fact that what is contained on the first, second, and third pages is present law, so that the only new feature that is sought to be added to this law is contained on page 4. I read it because it is short and will explain itself.

SEC. 3. That to establish the interstate or foreign commerce character of any shipment in any prosecution under this act the waybill of such shipment shall be prima facie evidence of the place from which and to which such shipment was made.

In prosecutions under this statute it is often necessary to bring witnesses from a long distance at a considerable expense to the Government. I received from the Attorney General a

letter calling my attention to this situation and inclosing a letter from Judge John L. Relstab, which is attached to the report of the committee. I wrote him in reference to it, and submitted to him my draft of this section, and he approved it. He called my attention to the difficulties experienced in many cases in proving the interstate character of a shipment, though he said that there was hardly ever any real dispute about the fact of such interstate character. In seeking to prosecute under this statute it is necessary to make this technical proof, and the Government is often at large expense in getting witnesses from long distances. The bill has been recommended by the Attorney General as well as by this judge, and is the unanimous report of the Judiciary Committee. I can see no real objection to it, and it seems to me it ought to become the law.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. VOLSTEAD. I will.

Mr. JOHNSON of Mississippi. Under this law if a man should be charged with stealing a piece of baggage or a piece of property of any value that is placed in a depot or on an express platform, and he should be indicted and carried it to court, the waybill would be the first proof of his guilt?

Mr. VOLSTEAD. Oh, no.

Mr. JOHNSON of Mississippi. What does prima facie mean?

Mr. VOLSTEAD. It is only prima facie evidence of the fact that the article stolen was in interstate commerce.

Mr. JOHNSON of Mississippi. It means the first proof that it was taken in interstate commerce.

Mr. VOLSTEAD. It does not show that he has taken anything at all. That fact would have to be established by evidence entirely separate from the waybill. The Government would have to show the commission of the offense outside of the waybill. The only question that could be established by the waybill would be the fact that the goods stolen were in interstate commerce.

Mr. JOHNSON of Mississippi. That is the most material part of this case. Unless you can establish the fact that it was interstate commerce, the man would not be subject to enter the pains and penalties of this law.

Mr. VOLSTEAD. It is true that it may be important testimony, but only on a point that has but slight relation to the actual crime.

Mr. JOHNSON of Mississippi. Does the gentleman believe it is fair to a person on trial to take him into court and submit a paper that has been mailed to one place from another, without giving him an opportunity to investigate and to examine those who sent the waybill, and to be confronted with his witnesses as guaranteed to him by the Constitution? Does the gentleman believe it is fair or constitutional?

Mr. VOLSTEAD. If he has stolen property, that must be proven entirely outside of the waybill. He is guilty, either under the State law or United States law of larceny. The evidence of the waybill will simply show whether he should be prosecuted in a State court or in a Federal court.

Mr. JOHNSON of Mississippi. Without bringing the witness who made the waybill and allowing the man being tried to be confronted with the witness who made the waybill, you propose by this bill to submit the waybill itself as prima facie evidence that the thing stolen was interstate commerce.

Mr. VOLSTEAD. I believe so. I do not believe anybody would suffer from it that does not deserve to suffer.

Mr. JOHNSON of Mississippi. The presumption of law is that every man is innocent until he is proven guilty.

Mr. VOLSTEAD. It is only prima facie evidence, and the party charged with an offense could in almost every instance disprove the fact if not true.

Mr. JOHNSON of Mississippi. That would be sufficient under your bill here to convict a man of taking interstate commerce.

Mr. VOLSTEAD. Yes.

Mr. JOHNSON of Mississippi. I think it is a very bad bill and ought to be killed.

Mr. VOLSTEAD. I do not think so.

Mr. JOHNSON of Mississippi. Mr. Speaker, I make the point of no quorum. It is a very bad bill and ought to be killed.

The SPEAKER. The gentleman from Mississippi makes the point of no quorum. Evidently no quorum is present.

Mr. WALSH. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors and the Sergeant at Arms will bring in absentees, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Anderson	Arentz	Bankhead	Black
Andrew, Mass.	Aswell	Beck	Blakeney
Ansorge	Atkeson	Bell	Boies
Anthony	Bacharach	Benham	Bond
Bowers	Frothingham	Linthicum	Sanders, Ind.
Brand	Fuller	Little	Sanders, N. Y.
Brennan	Funk	Logan	Scott, Mich.
Britten	Gallivan	London	Sears
Brooks, Pa.	Gernerd	Longworth	Shreve
Brown, Tenn.	Glynn	Lyon	Siegel
Burdick	Goldsborough	McArthur	Sinclair
Burke	Gorman	McFadden	Slemp
Burtness	Gould	McLaughlin, Pa.	Smith, Mich.
Cable	Graham, Ill.	McPherson	Smithwick
Cantrill	Greene, Vt.	MacGregor	Snell
Carew	Griffin	Madden	Snyder
Clark, Fla.	Hardy, Tex.	Maloney	Stafford
Clarke, N. Y.	Haugen	Mann	Steagall
Classon	Hawley	Mead	Stedman
Cockran	Henry	Michaelson	Stiness
Codd	Hill	Moore, Ill.	Stoll
Cole, Iowa	Himes	Moore, Ohio	Sullivan
Cole, Ohio	Hudspeth	Moores, Ind.	Swank
Collins	Hull	Mott	Sweet
Colton	Husted	Mudd	Swing
Connell	Hutchinson	Murphy	Tague
Connolly, Pa.	Ireland	Nelson, Me.	Taylor, Ark.
Cooper, Ohio	Jacoway	Nelson, A. P.	Taylor, Colo.
Cooper, Wis.	James	Nelson, J. M.	Taylor, Tenn.
Copley	Jefferis, Nebr.	Nolan	Thomas
Coughlin	Johnson, S. Dak.	O'Brien	Tilson
Cramton	Johnson, Wash.	Padgett	Timberlake
Cullen	Jones, Pa.	Paige	Treadway
Davis, Minn.	Kahn	Parks, Ark.	Tucker
Dempsey	Kelley, Mich.	Patterson, N. J.	Tyson
Dickinson	Kelly, Pa.	Perkins	Upshaw
Drane	Kennedy	Perlman	Vare
Driver	Ketcham	Peterson	Vestal
Dunn	Kiess	Porter	Voigt
Dupré	Kindred	Pou	Volk
Edmonds	Kinkaid	Rainey, Ala.	Walters
Evans	Kirkpatrick	Ransley	Ward, N. Y.
Faust	Kitchin	Rayburn	Wason
Fenn	Knight	Reavis	Weaver
Fields	Knutson	Reed, N. Y.	White, Me.
Fish	Kunz	Rhodes	Wilson
Fisher	Langley	Riordan	Wood, Ind.
Fitzgerald	Larsen, Ga.	Robertson	Woods, Va.
Focht	Larson, Minn.	Rosenbloom	Yates
Fordney	Lee, Ga.	Rossdale	Young
Frear	Lee, N. Y.	Rouse	
French	Lehlbach	Ryan	

The SPEAKER. Two hundred and twenty-five Members have answered to their names, a quorum.

Mr. WALSH. Mr. Speaker, I move to dispense with further proceedings under the call.

CHANGE OF REFERENCE.

Mr. TOWNER. Mr. Speaker, I ask unanimous consent that the bill S. 1771, which was referred to the Committee on the Merchant Marine and Fisheries, and which is to authorize the United States Shipping Board to acquire a site for a fuel station in the Virgin Islands, be transferred from that committee to the Committee on Insular Affairs. I have consulted with the chairman of the Committee on the Merchant Marine and Fisheries, and he has no objection. I think the jurisdiction properly belongs to the Committee on Insular Affairs.

The SPEAKER. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. MOORE of Virgina. Mr. Speaker, I ask unanimous consent that I may be permitted to revise and extend the remarks I made this morning.

The SPEAKER. The gentleman from Virginia asks unanimous consent to revise and extend his remarks made this morning. Is there objection? [After a pause.] The Chair hears none.

LARCENY OF FREIGHT IN INTERSTATE COMMERCE.

The SPEAKER. The gentleman from Minnesota [Mr. VOLSTEAD] is recognized.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. JOHNSON].

Mr. JOHNSON of Mississippi. Mr. Speaker and gentlemen of the House, my chief objection to this bill is found in section 3, page 4. Under the Constitution every man charged with a crime is entitled to be informed of the nature and the cause of the accusation against him and to have his witnesses confront him. If this bill should be adopted in its present form, it would deny to a person charged with violation of its provisions his constitutional rights. Of course, if it should be presented to the higher courts of the land it would be held unconstitutional, but thousands of poor people who would be unable to litigate their cases to the courts of last resort would be denied the protection contemplated by the Constitution.

The chairman of the committee, the gentleman from Minnesota [Mr. VOLSTEAD], says that it is necessary to enact this law for the reason that it will save the Government the expense of bringing witnesses from one State to another; it will save them the expense of bringing a witness from the place where the waybill was made to the place where the alleged

crime was committed. But the chairman forgets that if a man is being tried for a violation of this statute, if this bill is enacted into a law, where he is entitled to be informed of the nature of the accusation against him and be confronted by his witnesses, there is no provision made whereby he could examine the man who made the waybill, or who pretended to make it. He is denied the benefit of having the witnesses before the jury that the jury in trying him may judge of the demeanor of the witness testifying, and he is denied the opportunity to cross-examine the witness who made, or claimed to have made, the waybill.

Mr. WILLIAMSON. Does the gentleman contend that this waybill under this bill can be offered without any identification at all?

Mr. JOHNSON of Mississippi. Under the law as it exists to-day the waybill can not be considered as evidence until properly identified, but section 3 undertakes to make the waybill competent without identification.

Mr. GRAHAM of Pennsylvania. Will the gentleman yield?

Mr. JOHNSON of Mississippi. Yes.

Mr. GRAHAM of Pennsylvania. Does not section 3 contemplate that the waybill shall be properly identified?

Mr. JOHNSON of Mississippi. Under the law as it exists to-day the waybill would have to be properly identified; but under this bill I doubt if it would be necessary.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Mississippi. I yield.

Mr. RAKER. I know that the gentleman is experienced in these matters. Is not all that section 3 contemplates the fact that it authorizes it, when the waybill is properly proven, so as to be admissible in evidence, when admissible in evidence, to be approved by the court? The only thing that it establishes prima facie is the point from which and to which the article was shipped, thereby giving the Federal court jurisdiction instead of the State court. Is that not all?

Mr. JOHNSON of Mississippi. No. That is not all.

But, Mr. Speaker, there is not the consideration for the Constitution to-day that there was a few years ago. Many good men in legislative bodies are honest at heart, but are without moral courage to vote their convictions even when in their own judgment they are violating the Constitution of the United States; they allow political expediency to control in many cases.

A few weeks ago, while the galleries of this House were crowded to their capacity with negroes who had assembled there to make this House pass the antilynching bill, Members of this body who were afraid of the negro vote permitted themselves to vote against their own judgment as to the constitutionality of the bill in order to curry favor with the negroes.

Mr. Speaker, one of the first votes I cast when I became a Member of this body was for the law to enforce the eighteenth amendment to the Constitution. The law was passed, and since it has become a law this Congress has voted between sixteen and seventeen million dollars out of the Treasury of the United States for its enforcement. I am in favor of the strict enforcement of that law and will vote for all appropriations necessary. But, Mr. Speaker, as a prohibitionist in practice as well as in theory, I protest against the United States Government engaging in the "blind-tiger" business, when it fines and imprisons the individual citizens of the country for doing the same thing. The United States Shipping Board, through its chairman, A. D. Lasker, is permitting liquor to be sold on American ships, and it is his intention to continue this unlawful traffic. This shameful and outrageous practice should be stopped. It creates a disrespect for law. The rich as well as the poor should be made to respect the law. The law of this land follows the flag. If it does not, the law is a fraud and the Constitution is a lie.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. GREEN].

The SPEAKER. The gentleman from Iowa is recognized for five minutes.

Mr. GREEN of Iowa. Mr. Speaker, I am very much in favor of the enactment of this bill. I live in a large railroad center, where eight great trunk lines come in, joining that town and Omaha. A great area of that city is covered by the switch yards of those trunk lines, a very much larger area in fact than the city proper covers. The whole police force of the city, if all went down to those switch yards and did nothing else, could not properly police them. The result is that there is going on continuously a series of thefts from the railroad companies, and the railroad companies in turn, when the goods are stolen, have to make up the loss to the shippers. I am unable at this time to give the total amounts that have been lost by the railroads of this country by thefts of that kind, but I have seen it stated, and my recollection is that it runs up to more than $100,000,000 annually that the railroads have to pay the shippers to make up the losses incurred by reason of these thefts, sometimes en route but more often in the switch yards of the various companies.

This loss is eventually saddled onto the shippers of the country as a whole. The railroad company pays it for the time being to the individual shipper, but in the long run it has to be added to the freight charge. Anyone can see that it necessarily must be added to the freight charge. The freight charge must be higher. A man engaged in a legitimate and proper business, trying to get his goods over the railroad, has to pay a larger amount because of the enormous amount of these thefts that are continually going on, and it is quite difficult to make the proper proof in certain cases.

Now I am unable, I confess—and I have had considerable experience in these matters—to see anything in the constitutional objection which was urged by the gentleman who has just spoken [Mr. JOHNSON of Mississippi]. Provisions of this kind are found in the criminal laws in nearly every State. They are found in the criminal laws of my own State with reference to other matters. The gentleman is in error when he says that the mere offering of a piece of paper, accompanied by the statement of some attorney with the waybill, will be sufficient for the court to admit the document in evidence. Under the bill the waybill must be properly identified. Just exactly what the court would hold would be proper identification I am unable at this time to say, as this measure has only come to my attention at this moment; but the court would certainly require some kind of identification such as would be required for any other document under similar circumstances. The provision under discussion does not pertain to the wrong itself which is the essence of the crime, and that is one reason why I am satisfied that the court will hold this provision to be entirely constitutional. It relates only to a preliminary fact which in itself shows no crime. It simply shows the circumstance of a fact under which a crime may or may not be committed.

I think this measure is a very important one. I think it is of the highest importance to the shippers of this country to be protected against these thefts, and I am at a loss to understand why anyone should be against this bill. [Applause.]

Mr. HERSEY. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. HERSEY. This prima facie evidence is only in the nature of making it interstate commerce?

Mr. GREEN of Iowa. Yes. The gentleman is correct, as he always is with reference to legal principles.

Mr. VOLSTEAD. I yield five minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

The SPEAKER. The gentleman from Pennsylvania is recognized for five minutes.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, this is a very important proposition, it seems to me. The only change that is made by this bill is the change in section 3, which provides that the waybill shall be prima facie evidence of the shipment from point to point. Judge Rellstab, a very able and accomplished judge in New Jersey, in his letter touches the pivotal point in considering this matter when he says:

> To make the waybill prima facie evidence of the character of the shipment, affecting as it does only the jurisdiction of the United States court, would in no way injure or prejudice the defendant on the question of his guilt or innocence.

It is purely jurisdictional and will not be unconstitutional. The time of the court is now wasted on the immaterial question, to wit, the question of jurisdiction. Sometimes as much as a day or two days is taken in trying to trace the goods, say, from California to New Jersey, to establish the jurisdiction of the court. Why should that be, when the waybill shows it when properly authenticated by the court? It must be properly proven. A man can not rise and say, "Here is a waybill, Your Honor; I offer it in evidence," and contend that therefore it must be received as prima facie evidence of the shipment between the two points. He must establish that it is a waybill. But once that waybill is established, what harm or injury can flow from the consequential results that it shows a shipment in interstate commerce, provided the points are beyond State lines or within the requirements of that which constitutes a shipment in interstate commerce? It seems to me that in the interest of economy and simplicity this amendment ought to be adopted, and that in adopting it we will violate no constitutional provision whatsoever.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. I yield to the gentleman from Mississippi.

Mr. JOHNSON of Mississippi. As the law is now the waybill properly identified is competent evidence to use against a man charged with violating the statute which is sought to be amended by this bill. The gentleman agrees to that, does he not?

Mr. GRAHAM of Pennsylvania. No. As it stands now you have got to prove the shipment from point to point.

Mr. JOHNSON of Mississippi. I say it is competent evidence, not prima facie evidence.

Mr. GRAHAM of Pennsylvania. I agree with my friend that it is one item of evidence that may be submitted, but it is not sufficient to prove the shipment.

Mr. JOHNSON of Mississippi. Now you propose by this amendment to make it prima facie evidence, first proof that the goods came from one State and went into another.

Mr. GRAHAM of Pennsylvania. Why should not that be done?

Mr. JOHNSON of Mississippi. Because a man should be given the opportunity to question the man who made the waybill.

Mr. GRAHAM of Pennsylvania. Why? That does not——

Mr. JOHNSON of Mississippi. I will answer the gentleman. The answer is in order that substantial justice be done every man charged with crime.

Mr. GRAHAM of Pennsylvania. But if the gentleman will permit me, that does not affect the question of his guilt. If a man is arrested charged with having broken into a car and stolen goods from it in the State of Ohio, and you show that that shipment was an interstate-commerce shipment, the question of his guilt or innocence rests in the proof of the material fact, did he steal from that car, and not whether it was a shipment in interstate commerce, for that is merely jurisdictional.

Mr. JOHNSON of Mississippi. Just one question. If you prove that he stole the goods, unless you prove that it was a shipment in interstate commerce, then the Federal court would have no jurisdiction, although the State courts would.

Mr. GRAHAM of Pennsylvania. That is quite true; but I submit that the question of jurisdiction is a minor question, and if decided in favor of the accused would mean only that he could not be tried in that court, but could be tried in another. The vital question with him is, Did he or did he not steal? And this amendment with reference to the waybill only makes it easy to establish the jurisdictional fact that the courts have power to try such cases.

Mr. JOHNSON of Mississippi. The question of jurisdiction may be minor to the railroads, but it is major to the man who is being tried.

Mr. Speaker, I make the point of no quorum present.

The SPEAKER. The gentleman from Mississippi makes the point of no quorum present. It is clear that there is no quorum present.

Mr. WALSH. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Massachusetts moves a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

Andrew, Mass.	Colton	Gorman	Larsen, Ga.
Arentz	Connell	Gould	Larson, Minn.
Aswell	Connolly, Pa.	Graham, Ill.	Lee, Ga.
Atkeson	Cooper, Ohio	Greene, Mass.	Lee, N. Y.
Bacharach	Cooper, Wis.	Griffin	Lehlbach
Bankhead	Copley	Hays	Linthicum
Beck	Coughlin	Henry	Little
Bell	Cramton	Hicks	Logan
Black	Cullen	Hill	London
Blakeney	Davis, Minn.	Himes	Longworth
Boles	Dempsey	Hudspeth	Luhring
Bond	Dickinson	Humphreys	Lyon
Bowers	Drane	Husted	McArthur
Brand	Driver	Hutchinson	McClintic
Brennan	Dunn	Ireland	McCormick
Britten	Dupré	Jacoway	McLaughlin, Nebr.
Brooks, Pa.	Edmonds	James	McLaughlin, Pa.
Brown, Tenn.	Evans	Jefferis, Nebr.	McPherson
Browne, Wis.	Faust	Johnson, S. Dak.	MacGregor
Burdick	Fenn	Johnson, Wash.	Madden
Burke	Fields	Jones, Pa.	Maloney
Burtness	Fish	Kahn	Mann
Cable	Fitzgerald	Kearns	Martin
Cantrill	Focht	Kelley, Mich.	Mead
Carew	Fordney	Kennedy	Michaelson
Chandler, N. Y.	Frear	Ketcham	Montoya
Chandler, Okla.	Free	Kiess	Moore, Ill.
Clark, Fla.	Frothingham	Kindred	Moore, Ohio
Classon	Fuller	Kinkaid	Mudd
Cockran	Funk	Kitchin	Murphy
Codd	Gallivan	Knight	Nelson, A. P.
Cole, Iowa	Gernerd	Knutson	Nelson, J. M.
Cole, Ohio	Glynn	Kunz	Nelson, Me.
Collins	Goldsborough	Langley	Nolan
O'Brien	Rhodes	Smith, Mich.	Tilson
Padgett	Riddick	Smithwick	Timberlake
Paige	Robertson	Snyder	Treadway
Park, Ga.	Rodenberg	Steagall	Tucker
Parks, Ark.	Rosenbloom	Stedman	Tyson
Patterson, Mo.	Rossdale	Stevenson	Upshaw
Patterson, N. J.	Rouse	Stiness	Vare
Perkins	Rucker	Stoll	Vestal
Perlman	Ryan	Sullivan	Voigt
Petersen	Sanders, Ind.	Swank	Volk
Porter	Sanders, N. Y.	Sweet	Ward, N. Y.
Pou	Scott, Mich.	Swing	Wason
Rainey, Ala.	Sears	Tague	Weaver
Ransley	Shreve	Taylor, Ark.	White, Me.
Rayburn	Siegel	Taylor, Colo.	Woods, Va.
Reavis	Sinnott	Taylor, Tenn.	Young
Reber	Sisson	Temple	Zihlman
Reed, N. Y.	Slemp	Thomas	

The SPEAKER pro tempore (Mr. MAPES). Two hundred and twenty-five Members have answered to their names. A quorum is present.

Mr. WALSH. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. MONTAGUE].

Mr. MONTAGUE. Mr. Speaker, the amendment in question relates only to the matter of jurisdiction in that it undertakes to make the waybill prima facie evidence that the shipment involved is interstate commerce. The bill of lading is not involved, but only the waybill is embraced by this bill.

The procedure now followed is very expensive to the Government. Proof step by step that the shipment is interstate commerce must be made at the trial for larceny. A shipment made, for example in California terminating in New Jersey or on the eastern seaboard, may involve the expenditure for witnesses of several thousand dollars. As a matter of practice the proof relates, except indirectly, to the jurisdiction, namely, the fact that the article alleged to be stolen is interstate commerce. Therefore the Government is put to enormous cost to establish, not the man's guilt or innocence, but that the shipment in question is an interstate commerce shipment.

But I did not rise to discuss the measure, I simply rose because I thought it was due to the House that it might be apprised that the committee's report was a unanimous one, the minority members of the committee agreeing fully with the majority members in reporting the bill.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Speaker and gentlemen of the House, the language of section 3 of the bill provides that the waybill shall be prima facie evidence of the place from which and to which such shipment was made. It shall be evidence sufficient until otherwise disproved. It does not affect the introduction of the waybill as evidence, which must be proven as in every other case; the court is to receive it as competent evidence to go to the jury. When the waybill has been thus identified and proven to be competent evidence received by the court—not until then, in that instance, until otherwise proven, it establishes the one fact, namely, that this article, which must be identified as it started from the point of shipment, belongs to the party, was actually shipped, and was, as thus shown by the waybill, in interstate commerce. The waybill is prima facie evidence of the fact which, in substance and effect, shows jurisdiction in the Federal court. That is all there is to it. Then the defendant on trial has all of his rights incident to a criminal case where he is charged with either petty or grand larceny that he would have had if this legislation had not been enacted. It is but another method of establishing the jurisdiction of the Federal court on the trial in an easy and simple way to try all the cases involving goods in interstate commerce and avoiding what has been heretofore enormous expense.

Mr. WALSH. Will the gentleman yield?

Mr. RAKER. Certainly.

Mr. WALSH. Even though the waybill is introduced as prima facie evidence there will still have to be evidence to show that the goods were actually transported in interstate commerce and that they were stolen.

Mr. RAKER. No question about that. Some three years ago the House appointed me on a committee to go to East St. Louis to make an investigation relating to interstate commerce and see whether or not the laws had been violated in reference to commerce between East St. Louis, Ill., and St. Louis, Mo., regarding the traffic of persons and the shipment of goods. We found that there was a gang or regular combination of men living in East St. Louis who were making their living from stealing goods from the cars in interstate commerce and then selling them to other people. The fact that the goods were in interstate

commerce was a fact hard to prove, and nine out of ten went scott free. It was a sad state of affairs that the shipment of goods in interstate commerce should be thus handled and the criminals not prosecuted and convicted. This legislation will materially help to remedy the situation.

Mr. VOLSTEAD. Mr. Speaker, I move the previous question on the bill to final passage.

The question was taken; and on a division (demanded by Mr. JOHNSON of Mississippi) there were 67 ayes and 1 no.

Mr. JOHNSON of Mississippi. Mr. Speaker, I object to the vote, and make the point that there is no quorum present.

The SPEAKER pro tempore. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 214, nays 2, answered "present" 2, not voting 214, as follows:

YEAS—214.

Ackerman	Elliott	Lazaro	Sabath
Almon	Ellis	Lea, Calif.	Sanders, Tex.
Andrews, Nebr.	Fairchild	Leatherwood	Sandlin
Ansorge	Fairfield	Lineberger	Schall
Anthony	Fess	Little	Scott, Tenn.
Appleby	Fisher	Lowrey	Shaw
Barbour	Foster	Luce	Shelton
Beedy	Freeman	Luhring	Sinclair
Begg	French	McDuffie	Sinnott
Benham	Fulmer	McFadden	Sisson
Bird	Gahn	McLaughlin, Mich.	Slemp
Bixler	Garner	McSwain	Smith, Idaho
Bland, Ind.	Garrett, Tenn.	Madden	Speaks
Bland, Va.	Gensman	Magee	Sproul
Blanton	Goodykoontz	Mansfield	Steagall
Bowling	Graham, Pa.	Mapes	Stephens
Box	Green, Iowa	Merritt	Stevenson
Brennan	Greene, Vt.	Michener	Strong, Kans.
Briggs	Griest	Miller	Strong, Pa.
Brooks, Ill.	Hadley	Mills	Summers, Wash.
Buchanan	Hammer	Millspaugh	Sumners, Tex.
Bulwinkle	Hardy, Colo.	Mondell	Taylor, N. J.
Burroughs	Hardy, Tex.	Montague	Ten Eyck
Burton	Harrison	Moore, Va.	Thomas
Butler	Haugen	Moores, Ind.	Thompson
Byrnes, S. C.	Hawes	Morgan	Tillman
Byrns, Tenn.	Hawley	Morin	Tincher
Campbell, Kans.	Hayden	Mott	Tinkham
Campbell, Pa.	Hersey	Newton, Minn.	Underhill
Cannon	Hickey	Newton, Mo.	Vaile
Carter	Hoch	Norton	Vinson
Chalmers	Hooker	O'Connor	Volstead
Chindblom	Huddleston	Ogden	Walsh
Christopherson	Hull	Oldfield	Walters
Clague	Jeffers, Ala.	Oliver	Ward, N. C.
Clouse	Jones, Tex.	Olpp	Watson
Collier	Kearns	Osborne	Webster
Connally, Tex.	Keller	Park, Ga.	White, Kans.
Crago	Kendall	Parker, N. J.	White, Me.
Crowther	Kincheloe	Parker, N. Y.	Williams, Ill.
Curry	King	Patterson, Mo.	Williams, Tex.
Dale	Kirkpatrick	Quin	Williamson
Dallinger	Kissel	Rainey, Ill.	Wingo
Darrow	Kleczka	Raker	Winslow
Davis, Tenn.	Kline, N. Y.	Rankin	Wood, Ind.
Deal	Kline, Pa.	Reber	Woodruff
Denison	Kopp	Reece	Woodyard
Dominick	Kraus	Reed, W. Va.	Wright
Doughton	Kreider	Ricketts	Wyant
Dowell	Lampert	Riordan	Young
Drewry	Lanham	Roach	Zihlman
Dunbar	Lankford	Robsion	The Speaker
Dyer	Lawrence	Rogers	
Echols	Layton	Rose	

NAYS—2.

Gilbert	Johnson, Miss.

ANSWERED "PRESENT"—2.

Herrick	Radcliffe

NOT VOTING—214.

Anderson	Clark, Fla.	Favrot	Hudspeth
Andrew, Mass.	Clarke, N. Y.	Fenn	Hukriede
Arentz	Classon	Fields	Humphreys
Aswell	Cockran	Fish	Husted
Atkeson	Codd	Fitzgerald	Hutchinson
Bacharach	Cole, Iowa	Focht	Ireland
Bankhead	Cole, Ohio	Fordney	Jacoway
Barkley	Collins	Frear	James
Beck	Colton	Free	Jefferis, Nebr.
Bell	Connell	Frothingham	Johnson, Ky.
Black	Connolly, Pa.	Fuller	Johnson, S. Dak.
Blakeney	Cooper, Ohio	Funk	Johnson, Wash.
Boles	Cooper, Wis.	Gallivan	Jones, Pa.
Bond	Copley	Garrett, Tex.	Kahn
Bowers	Coughlin	Gernerd	Kelley, Mich.
Brand	Cramton	Glynn	Kelly, Pa.
Britten	Crisp	Goldsborough	Kennedy
Brooks, Pa.	Cullen	Gorman	Ketcham
Brown, Tenn.	Davis, Minn.	Gould	Kiess
Browne, Wis.	Dempsey	Graham, Ill.	Kindred
Burdick	Dickinson	Greene, Mass.	Kinkaid
Burke	Drane	Griffin	Kitchin
Burtness	Driver	Hays	Knight
Cable	Dunn	Henry	Knutson
Cantrill	Dupré	Hicks	Kunz
Carew	Edmonds	Hill	Langley
Chandler, N. Y.	Evans	Himes	Larsen, Ga.
Chandler, Okla.	Faust	Hogan	Larson, Minn.
Lee, Ga.	Nelson, A. P.	Rodenberg	Taylor, Ark.
Lee, N. Y.	Nelson, J. M.	Rosenbloom	Taylor, Colo.
Lehlbach	Nelson, Me.	Rossdale	Taylor, Tenn.
Linthicum	Nolan	Rouse	Temple
Logan	O'Brien	Rucker	Tilson
London	Overstreet	Ryan	Timberlake
Longworth	Padgett	Sanders, Ind.	Towner
Lyon	Paige	Sanders, N. Y.	Treadway
McArthur	Parks, Ark.	Scott, Mich.	Tucker
McClintic	Patterson, N. J.	Sears	Tyson
McCormick	Perkins	Shreve	Upshaw
McKenzie	Perlman	Siegel	Vare
McLaughlin, Nebr.	Petersen	Smith, Mich.	Vestal
McLaughlin, Pa.	Porter	Smithwick	Voigt
McPherson	Pou	Snell	Volk
MacGregor	Pringey	Snyder	Ward, N. Y.
Maloney	Purnell	Stafford	Wason
Mann	Rainey, Ala.	Stedman	Weaver
Martin	Ramseyer	Steenerson	Wheeler
Mead	Ransley	Stiness	Wilson
Michaelson	Rayburn	Stoll	Wise
Montoya	Reavis	Sullivan	Woods, Va.
Moore, Ill.	Reed, N. Y.	Swank	Wurzbach
Moore, Ohio	Rhodes	Sweet	Yates
Mudd	Riddick	Swing	
Murphy	Robertson	Tague	

So the previous question was ordered.

The Clerk announced the following pairs:

Until further notice:

Mr. Treadway with Mr. Cockran.

Mr. Paige with Mr. Sullivan.

Mr. Langley with Mr. Clark of Florida.

Mr. Cole of Ohio with Mr. Martin.

Mr. Rossdale with Mr. Favrot.

Mr. Cramton with Mr. Woods of Virginia.

Mr. Henry with Mr. Sears.

Mr. Davis of Minnesota with Mr. Goldsborough.

Mr. McArthur with Mr. Black.

Mr. Chandler of Oklahoma with Mr. O'Brien.

Mr. Dickinson with Mr. Garrett of Texas.

Mr. Michaelson with Mr. Rayburn.

Mr. Kiess with Mr. Drane.

Mr. Evans with Mr. Wise.

Mr. Murphy with Mr. Tague.

Mr. Frear with Mr. Aswell.

Mr. Maloney with Mr. Kindred.

Mr. Dempsey with Mr. McClintic.

Mr. A. P. Nelson with Mr. Bell.

Mr. Fordney with Mr. Tyson.

Mr. Husted with Mr. Upshaw.

Mr. McKenzie with Mr. Kunz.

Mr. Hukriede with Mr. Barkley.

Mr. Vare with Mr. Pou.

Mr. Steenerson with Mr. Dupré.

Miss Robertson with Mr. Swank.

Mr. Knight with Mr. Larsen of Georgia.

Mr. Connell with Mr. Carew.

Mr. Arentz with Mr. London.

Mr. Kahn with Mr. Overstreet.

Mr. Siegel with Mr. Linthicum.

Mr. Vestal with Mr. Collins.

Mr. Knutson with Mr. Steadman.

Mr. Perkins with Mr. Humphreys.

Mr. Bowers with Mr. Cullen.

Mr. Atkeson with Mr. Lee of Georgia.

Mr. Sanders of Indiana with Mr. Taylor of Colorado.

Mr. Coughlin with Mr. Lyon.

Mr. Lee of New York with Mr. Crisp.

Mr. Fuller with Mr. Padgett.

Mr. Beck with Mr. Gallivan.

Mr. Perlman with Mr. Smithwick.

Mr. Ransley with Mr. Weaver.

Mr. Fitzgerald with Mr. Tucker.

Mr. Johnson of Washington with Mr. Bankhead.

Mr. Bacharach with Mr. Kitchin.

Mr. Gernerd with Mr. Taylor of Arkansas.

Mr. Glynn with Mr. Brand.

Mr. Snell with Mr. Logan.

Mr. McPherson with Mr. Cantrill.

Mr. Hutchinson with Mr. Griffin.

Mr. Cooper of Ohio with Mr. Stoll.

Mr. Larson of Minnesota with Mr. Johnson of Kentucky.

Mr. Burtness with Mr. Hudspeth.

Mr. Stiness with Mr. Fields.

Mr. Reed of New York with Mr. Mead.

Mr. Fenn with Mr. Parks of Arkansas.

Mr. Kennedy with Mr. Driver.

Mr. Frothingham with Mr. Rainey of Alabama.

Mr. Moore of Ohio with Mr. Jacoway.

Mr. Snyder with Mr. Rucker.

The SPEAKER. The Clerk will call my name.

The Clerk called the name of the Speaker, and he answered "Yea."

The result of the vote was announced as above recorded.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. VOLSTEAD, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 10925. An act to authorize the Secretary of War to sell real property known as the Pittsburgh Storage Supply Depot at Pittsburgh, Pa.

H. R. 241. An act to authorize the Secretary of War to grant a perpetual easement for railroad right of way and a right of way for a public highway over and upon a portion of the military reservation of Fort Sheridan, in the State of Illinois.

The Speaker announced his signature to enrolled bill of the following title:

S. 745. An act to amend section 24 and section 256 of the Judicial Code.

WOMEN'S OVERSEAS SERVICE LEAGUE.

Mr. VOLSTEAD. Mr. Speaker, I call up the bill (H. R. 7299) to incorporate the Women's Overseas Service League, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the following persons, to wit, Mrs. Larz Anderson, of Boston, Mass.; S. Elizabeth Arnold, of Pennsylvania; Mary W. Barret, of Seattle; Constance B. Bicknell, of Washington; Jennet Bigelow, of Washington; Stuart Blanton, of Virginia; Mary A. Bogart, of New York; Ethel Boyd Bowers, of New York; Zorah W. Bowman, of Toledo; Miss Brown, of New York City; Ona Camp, of Minneapolis; Pattie Carey, of Virginia; Mildred Chamberlain, of Chicago; Clara W. Chesbrough, of Toledo; Ada Knowlton Chew, of Pennsylvania; Alice Hill Chittenden, of New York; Keith Clark, of St. Paul; Annette Cull, of Toledo; Elizabeth A. Cullen, of New York; Caroline F. Davis, of Pennsylvania; Helen Day, of Washington, D. C.; Dorothea Denys, of Washington, D. C.; Florence Dickson, of Seattle; Mrs. Livingston Farrand, of Washington; Louise Welford Fleming, of Massachusetts; Laurie R. Frazeur, of Chicago; Sarah M. Gammin, of Seattle; Edith H. Gillingham, of Pennsylvania; Katherine Ginnel, of Boston; Rose Glass, of Seattle; Mary Montgomery Halsey, of Pennsylvania; Ada Dickie Hamblen, of Seattle; Miriam Heermans, of Chicago; Lesley Henshaw, of Cincinnati; Clara Hoefflin, of Minneapolis; Ruth Rose Holt, of Minneapolis; Gertrude Hussey, of Washington; Mrs. Lucile Livingston Johnson, of Cincinnati; Mary Jones, of Minneapolis; Mrs. D. Braden Kyle, of Pennsylvania; Anna Coleman Ladd, of Massachusetts; Margaret Lamble, of New York; Olive McGlasham, of Cincinnati; Mrs. James McCutcheon, of Atlanta; Estelle Martin, of Georgia; Grace Monks, of Boston; Julia Page Norton, of Toledo; Alice M. O'Brien, of Minnesota; Mary Hooper Perry, of Washington; Sybil Richards, of Massachusetts; Celia K. Robb, of Seattle; M. N. Robins, of Pennsylvania; Celia D. Shelton, of Seattle; Esther Smith, of Atlanta; Dr. Bessie Sroye, of Cincinnati; Elizabeth Starr, of Seattle; Rosanna Thorndike, of Boston; Elleigh Page Tucker, of Georgia; Amy Robbins Ware, of Minneapolis; Louise Welles, of Minneapolis; Mildred Windsor, of New York; Louise Worthington, of Cincinnati; Jennie Young, of Seattle; and such persons as may be chosen who are members of the Women's Overseas Service League, an unincorporated patriotic society of women who served overseas for the allied cause in the Great War, between August 1, 1914, and January 1, 1920, known as the Women's Overseas Service League, and their successors, are hereby created and declared to be a body corporate. The name of this corporation shall be "Women's Overseas Service League."

SEC. 2. That the same persons named in section 1, and such other persons as may be selected from among the membership of the Women's Overseas Service League, an unincorporated society of women who served overseas for the allied cause in the Great War between August 1, 1914, and January 1, 1920, are hereby authorized to meet to complete the organization of said corporation by the selection of officers, the adoption of a constitution and by-laws, and to do all other things necessary to carry into effect the provisions of this act, at which meeting any person duly accredited as a delegate from any local or State organization of the existing unincorporated organization known as the Women's Overseas Service League shall be permitted to participate in the proceedings thereof.

SEC. 3. That the purpose of this corporation shall be to keep alive and develop the spirit that prompted overseas service; to maintain the ties of comradeship born of that service, and to assist and further any patriotic work; to inculcate a sense of individual obligation to the community, State, and Nation; to work for the welfare of the Army and Navy; to assist in any way in their power men and women who served and were wounded or incapacitated in the World War; to foster and promote friendship and understanding between America and the Allies in the World War.

SEC. 4. That the corporation created by this act shall have the following powers: To have perpetual succession with power to sue and be sued in courts of law and equity; to receive, hold, own, use, and dispose of such real estate and personal property as shall be necessary for its corporate purposes; to adopt a corporate seal and alter the same at pleasure; to adopt a constitution, by-laws, and regulations to carry out its purposes, not inconsistent with the laws of the United States or of any State; to use in carrying out the purposes of the corporation such emblems and badges as it may adopt; to establish and maintain offices for the conduct of its business; to establish State, Territorial, and local subdivisions; to publish a magazine or other publications, and generally to do any and all such acts and things as may be necessary and proper in carrying into effect the purposes of the corporation.

SEC. 5. That no woman shall be a member of this corporation unless she served overseas for the allied cause in the Great War at some time during the period between August 1, 1914, and January 1, 1920, both dates inclusive.

SEC. 6. That the organization shall be nonpolitical and, as an organization, shall not promote the candidacy of any person seeking public office.

SEC. 7. That said corporation may acquire any or all the assets of the existing unincorporated national organization known as the Women's Overseas Service League upon discharging or satisfactorily providing for the payment and discharge of all its liabilities.

SEC. 8. That said corporation and its State, Territorial, and local subdivisions shall have the sole and exclusive right to have and to use in carrying out its purposes the name "Women's Overseas Service League."

SEC. 9. That the said corporation shall, on or before the 1st day of January in each year, make and transmit to the Congress a report of its proceedings for the preceding calendar year, including a full and complete report of its receipts and expenditures: *Provided, however,* That said report shall not be printed as public documents.

SEC. 10. That as a condition precedent to the exercise of any power or privilege herein granted or conferred the Women's Overseas Service League shall file in the office of the secretary of each State the name and post-office address of an authorized agent in such State upon whom legal process or demands against the Women's Overseas Service League may be served.

SEC. 11. That the right to repeal, alter, or amend this act at any time is hereby expressly reserved.

SEC. 12. That the persons duly elected at the first annual convention held in Philadelphia May 2, 1921, shall be the officers of the Women's Overseas Service League for the year beginning May 2, 1921, to serve until the next annual convention to be held at Washington, D. C., on May 1, 1922, or until their successors are duly appointed, and are the following: President, Mrs. Oswald Chew, Radnor, Pa. Vice presidents, Miss Amy Robbins Ware, Minneapolis, Minn.; Miss Esther Smith, Atlanta, Ga.; Miss Miriam Heermans, Chicago, Ill.; Miss Rose Glass, Seattle, Wash. Corresponding secretary, Miss Mary Bogart, New York. Recording secretary, Miss Dorothea Denys, Washington, D. C. Treasurer, Miss Sybil Richards, Boston. Executive committee, Miss Rosanna Thorndike, Boston, Mass.; Miss Brown, of New York City, N. Y.; Miss Margaret Robins, Philadelphia; Miss Pattie Carey, Virginia; Miss Helen Day, Washington, D. C.; Mrs. James McCutcheon, Atlanta, Ga.; Miss Keith Clark, St. Paul, Minn.; Mrs. Zorah W. Bowman, Toledo, Ohio.

Mr. GARRETT of Tennessee. Mr. Speaker, I raise the question of consideration.

The SPEAKER. The question is, Will the House consider the bill?

The question was taken; and the Chair being in doubt, the House divided, and there were—ayes 72, noes 22.

So the House determined to consider the bill.

Mr. VOLSTEAD. Mr. Speaker, I yield to the gentleman from Ohio [Mr. THOMPSON].

Mr. THOMPSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a discussion that I have prepared upon the Ohio canals and the State and Federal laws bearing on the same.

The SPEAKER. Is there objection?

There was no objection.

INLAND WATERWAYS AND CANAL SYSTEMS OF OHIO.

Mr. THOMPSON. Mr. Speaker, in the Sixty-sixth Congress I voted for the transportation act under which the railroads are now operating. Section 500 of the act contains this language:

It is hereby declared to be the policy of Congress to promote, encourage, and develop water transportation service and facilities in connection with the commerce of the United States, and to foster and preserve in full vigor both rail and water transportation.

It shall be the duty of the Secretary of War, with the object of promoting, encouraging, and developing inland waterway transportation facilities in connection with the commerce of the United States, to investigate the appropriate types of boats suitable for different classes of such waterways; to investigate the subject of water terminals, both for inland waterway traffic and for through traffic by water and rail, including the necessary docks, warehouses, apparatus, equipment, and appliances in connection therewith, and also railroad spurs and switches connecting with such terminals, with a view to devising the types most appropriate for different locations and for the more expeditious and economical transfer or interchange of passengers or property between carriers by water and carriers by rail; to advise with communities, cities, and towns regarding the appropriate location of such terminals and to cooperate with them in the preparation of plans for suitable terminal facilities; to investigate the existing status of water transportation upon the different inland waterways of the country, with a view to determining whether such waterways are being utilized to the extent of their capacity and to what extent they are meeting the demands of traffic, and whether the water carriers utilizing such waterways are interchanging traffic with the railroads; and to investigate any other matter that may tend to encourage and promote inland water transportation. It shall also be the province and duty of the Secretary of War to compile, publish, and distribute, from time to time, such useful statistics, data, and information concerning transportation on inland waterways as he may deem to be of value to the commercial interests of the country.

From the foregoing it is seen that Congress is committed to the development of inland waterways. Yet the ink was hardly dry on the law until the Sixty-sixth Congress cut the rivers and harbors appropriation to $15,000,000. No waterways transportation representative sits on the Interstate Commerce Commission of the Nation, and it seems that influences of the big corporate interests controlling railroads are more powerful than the Government itself in this instance as they seem to be in all instances. Waterways development seems to be insidi-

ously fought and retarded by an invisible government superior to the Congress.

I want to call to the attention of the House one of the essentials of transportation, which seems to have escaped the attention of Congress when making appropriations for 1923. Heretofore it was believed that all the Government had to do was to canalize our rivers and deepen our harbors and the building of terminals would follow as a matter of consequence. The rivers and harbors act passed March 2, 1919, carried the following authorization:

The Secretary of War is hereby authorized and directed to cause preliminary examinations and surveys to be made at the following-named localities, and a sufficient sum to pay the cost thereof may be allotted from the amount provided in this section:

The Miami & Erie Canal, Ohio, including a branch canal connecting the Miami & Erie Canal with Lake Michigan, and such other routes between Lake Erie and the Ohio River as may be considered practicable by the Chief of Engineers, with a view to securing a channel of 12 feet in depth with suitable widths, or such other dimensions as may be considered practicable, including any recommendation for cooperation on the part of local interests.

After the passage of said act the General Assembly of Ohio passed a constructive measure tending to build up waterways in Ohio. The passage of the act providing for the survey of the Ohio canals was a signal of the intention of Congress to rebuild her neglected waterways in Ohio and inspired the people of my State to do something toward making the same possible.

I want to call to the attention of the House for only a few minutes provisions of this enabling act, which was passed within a year after Congress proposed to make the survey of Ohio canals with a view of giving an outlet to the coal fields of Kentucky and West Virginia and the ore fields of Michigan across the great State of Ohio.

The Ohio act, in part, provides that—

Whenever the Congress of the United States shall authorize the construction, maintenance, and operation of a canal or waterway along a definite route for the purpose of connecting the Great Lakes with the Ohio River, so as to provide a route for the passage of barges from the Great Lakes to the Ohio River, and shall make an appropriation for the construction, maintenance, and operation of the same on condition that the State of Ohio shall contribute a certain part of such cost of construction, then the lands within the canal zone described in the act may be organized into canal districts with all the rights, powers, liabilities, organization, and administration.

Section 3 of the act provides that the Governor of the State of Ohio shall, within 30 days after such authorization and appropriation by Congress, by proclamation, describe the boundaries of the zone containing lands which will be specially benefited by the construction and operation of said waterway. It further provides that the lateral boundaries of said zone shall follow a line 25 miles distant from and parallel to the median line of said proposed canal, and the terminal boundaries shall follow the arc of a circle drawn with a radius of 25 miles from each terminus of the same, except that all counties lying in whole or in part within 60 miles of either terminus of the proposed canal, and connected by navigable waterways, shall be included in said zone.

It was the intention of the general assembly to tax these lands within the zone of 25 to 60 miles from the waterway according to the benefits received. It is proposed to tax the lands nearest the canal more than the lands farther away. This law was passed in harmony with our road and ditch law. The farther away the land is located from the waterway the less tax is required from said lands, so that the lands 25 and 60 miles away from the waterway would pay only a small fraction of the cost of building these terminals.

Objections have been raised because of an arbitrary line 25 miles on each side of said canal and a 60-mile line at each terminus on the theory that it was not a local but national project. When the matter was first submitted it specifically provided a tax only for the building of terminals along the proposed canal on the theory that a waterway would be as useless without terminals as a railroad without its depots, and the general assembly concluded that the terminals were an essential part of the canal system if ever rebuilt; that when the same was being surveyed it should contain specific items for the costs of terminals, which should be included as a total cost for the construction of the canal. It is because the general assembly concluded that the terminals are a part of the cost of construction of the canal that it substituted the general term and provided—

That the State of Ohio, on any part thereof, shall contribute a certain part of such cost of construction.

Recently objection to building the terminals was made by a colleague because the cost of terminals would involve a tax on property within the 25-mile zone and a radius of 60 miles at each terminus. The theory of making it 25 miles was because trucks function best within a distance of 25 miles as the cheapest means of transportation, and hence said Ohio act provides that the cost of building these terminals should be borne according to benefits by those living within the 25-mile zone, save and except at each terminus, which is a radius of 60 miles.

The unthinking readily fall for this specious argument because it involves a tax, and of course all of us shy more or less from the payment of taxes and conclude that the other fellow should pay more. Now, let us see if it involves such a tax which the people should fear and shun, or is it one of those taxes which the people welcome because it brings immediate returns? When an ordinary taxpayer goes down in his pocket to pay his tax he seldom thinks of any returns to himself, excepting in the way of protection. Ordinarily we think of a tax only in support of our Government for the payment of the official family. But do we not also pay an indirect tax? At least when we pay for our fuel, food, and clothing. One can not mail a letter without paying for the cost of a stamp to carry that letter. These taxes we can not escape any more than the taxes in support of the Government, hence it becomes very vital to know if by improving our waterways and building our terminals the cost will bring us such returns as to justify making this improvement.

In the report of the superintendent of public works on canals of the State of New York for 1919 I find on pages 18 and 19 the following, to wit:

There can be no question as to the ability of canal transportation projects to earn a handsome profit. None dispute the tremendous potential traffic available for canal shipment, and investigation will convince even the most skeptical that the cheapest known means of transporting freight is to float it; furthermore, that the finest medium of inland water transportation in the country is the improved canals of New York State. During the 1919 season of navigation, under somewhat unfavorable conditions in that the type of boats used were not designed for Barge Canal navigation, conclusive evidence of the abnormally low cost of transportation on the improved canals was revealed. A steamer and consort carrying cargo from New York to Buffalo accomplished the trip in a little more than four days, at an operating cost of but 1.21 mills per ton-mile, or about 45 cents per ton. The cargo carried paid a rate of $1.50 per ton; thus the net earning for the trip was more than $1 per ton. Measured in terms of grain such operating costs would yield a basis of less than 1½ cents per bushel of wheat. The wheat rate at present is 9.7 cents per bushel, showing even a greater percentage of profit on the grain traffic.

Thus it will be seen, according to this report, that coal can be hauled from Cincinnati to Toledo, Ohio, a distance of 240 miles, for 29 cents per ton. Add to this the cost of mining the coal and the distance from Cincinnati, where mined, plus the overhead expenses, you will find that coal should be delivered in my district for at least $2. Thus the saving on coal will be, according to the present prices, from $4 to $6 per ton.

And what will these terminals cost after the Government rebuilds the Miami & Erie Canal? Naturally the heavy costs for terminals will be borne by Cincinnati and Toledo, because of transshipment at those points. But what will the terminals cost? I find, for instance, that three terminals will be able to serve the counties of Allen, Van Wert, and Putnam; one each at Spencerville, Delphos, and Ottoville.

The total tax value of these three counties is $222,034,880 and the average 80-acre improved farm is valued, according to the tax duplicate for these three counties, at $7,305. Placing the cost of these terminals at $50,000 for Spencerville and Delphos and $5,000 at Ottoville and distributing the tax equally within the 25-mile zone limit, each farmer owning an 80-acre improved farm would pay only $1.83 to help build these terminals. Thus the saving on 1 ton of coal would more than pay for these terminals.

The farmer in my district to-day is at a disadvantage because of the high freight rates. For instance, I find that a carload of hay in my section is sent into the coal regions of West Virginia, eastern Kentucky, and Tennessee. A hay dealer just recently informed me that he was compelled to pay $16.60 per ton freight from Delphos, Ohio, to Memphis, Tenn. According to the report of the superintendent of public works at New York, 2,000 tons of hay could be shipped from Delphos to Memphis for $1,628.60, while the railroad rate on 2,000 tons is $32,800, a difference of $31,171.34. One of my constituents recently sent a carload of hay to the Cincinnati market, and had left only $12 to harvest and market the hay and pay his commission merchant. His neighbor sent his hay to New York, but he had nothing left after paying the railroad charges. The farmer in my section is compelled to pay 32 cents per bushel to market his wheat in New York, while the rate, according to the New York official, from Buffalo to New York, a distance of 502 miles, is only 1½ cents per bushel. When the people once understood the value of waterways and that the reason business is stagnant is because of lack of transportation and distribution they will not be afraid of paying taxes equal only to the saving on 1 ton of coal.

Of course, I realize that certain railroad interests are willing to build a "ship canal"—get that word "ship canal"—out of the Federal Treasury but object to building the necessary terminals and facilities because they are afraid the people might use this form of transportation. These railroad officials care very little if merchandise and wares shipped by water are dumped on the muddy banks of our rivers and canals; but will the farmer and the merchant and the manufacturer use the waterway so long as these waterways do not have the necessary terminals and housing facilities where the products of the farm and the factory can be unloaded and housed. Only an imbecile or fanatic would use a waterway and have his merchandise dumped on the muddy banks.

The Federal Government should not appropriate one dollar for the improvement of our rivers and harbors and canals unless the local authorities agree to build the necessary and proper terminals. What could keep the traffic off the Mississippi River if we only had the necessary docks along this great natural waterway? As it is, the Government seems to be having a hard time building up the traffic in the face of the fact that the railroads are hauling freight along all our potential waterways for about 50 per cent of what they haul it away from these waterways.

I hope those interested in building up all our transportation facilities will examine the enabling act of Ohio, and that every State in the Union will pass some such enabling act so that all of our transportation facilities—the railroads, the waterways, and highways—will coordinate and work in harmony rather than continue the cutthroat competition of the past.

In northwestern Ohio is located the heart of the Maumee Valley at the confluence of two rivers which could be canalized for water transportation. According to the last Federal census the counties of the fifth district produced more than $57,000,000 of new wealth right out of the ground in the form of cereals.

This part of Ohio is now a part of the bread basket of the world and needs cheap transportation facilities. Like other portions of the country, transportation facilities have lessened rather than increased and are not in keeping with the increase of population; hence high freight rates.

As long as I remain in Congress I expect to stand for a broad policy of development of our inland waterways and the coordination of highways, railways, and waterways under one great transportation system.

The House Appropriations Committee of the present Sixty-seventh Congress, largely upon my representations, allowed a lump sum of $125,000 to start a field survey of three proposed Ohio barge canal routes to connect Lake Erie with the Ohio River. The sum to cover the expenses of the survey of such proposed routes should have been $225,000, as requested of the War Department engineers in House Document No. 188, Sixty-seventh Congress, second session. The amount of $125,000 allowed was originally named in H. R. 10615, introduced by me and intended by the Appropriations Committee for the survey of the Miami and Erie Canal route specified in the bill for a barge canal between Toledo and Cincinnati, and branching off from Defiance, Ohio, and connecting Lake Michigan; but it was finally agreed that the sum of $125,000 could be used by the engineers during the fiscal year beginning July 1, 1922, to start the work of field surveys upon any or all Ohio routes, with the assurance that the next appropriation would carry a sum sufficient to complete the surveys.

There is at present a 5-foot depth canal between Toledo and Cincinnati which has fallen into disuse except between Defiance and Toledo. The title of these canal lands reverts to the United States when no longer used by the State for canal purposes. Ohio, through its legislature, has shown its willingness, by reason of its recent act referred to in the foregoing, to cooperate with the Federal Government to the extent, at least, of building wharves and terminals whenever the Government shall see its way clear to rehabilitate any present Ohio canal or canals by translating them into more modern barge canals such as now exist in the State of New York.

Mr. VOLSTEAD. Mr. Speaker, I yield the remainder of my time to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GARRETT of Tennessee. Mr. Speaker, before the gentleman does that, will he answer a question or two in respect to the bill?

Mr. VOLSTEAD. The gentleman from Pennsylvania drew the bill, and he will be able to answer any question. I yield to the gentleman from Pennsylvania.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, this is a bill to incorporate the Women's Overseas Service League. There were upward of 24,000 women who went overseas to serve the country during the World War. They desire this incorporation for various reasons. The association can function better as a national organization than otherwise. They are coming in contact with kindred organizations on the other side of the water. They are contemplating the building of a memorial in France to the women who were injured or killed over there.

The purpose is to keep alive a friendly spirit among these women and it is to promote patriotism. Their work is to be patriotic. They are now working among the survivors of the war, doing service in hospitals and elsewhere, and aiding those who have been injured and afflicted and are still suffering. It seems to me, without taking up the time of the House and desiring to finish this matter briefly, that the object of this can be stated in a sentence. It is to grant to these women recognition. They have had no cross of honor. They have had no records of their achievement and their work, and yet, like the men who went over and engaged in the conflict on the other side, they exposed themselves and their lives in the service of their country, and this recognition of incorporation is, as it were, an act of Congress recognizing their patriotism and saying to them: You women shall receive this mark of honor at our hands. We regard the work which you did on the other side as of vastly great importance, and we want to give recognition of it by this expression of our good will toward you as an organization.

Mr. LOWREY. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. I will.

Mr. LOWREY. I ask for information. Are the Daughters of the American Revolution incorporated, if the gentleman knows?

Mr. GRAHAM of Pennsylvania. I do not know.

Mr. LOWREY. Is the American Legion incorporated?

Mr. GRAHAM of Pennsylvania. Yes; by us.

Mr. LOWREY. I wanted to get the absolute question of facts.

Mr. GARRETT of Tennessee. The bill passed the House; did it pass the Senate, incorporating the American Legion?

Mr. GRAHAM of Pennsylvania. Yes; this is simply a corollary to the recognition of the American Legion.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes, sir.

Mr. GARRETT of Tennessee. Of course, the gentleman is one of the best lawyers in the country and will recognize the distinction at once that this bill does not give this corporation a situs, and, so far as I can recall, all these special bills of incorporation have made them corporations of the District of Columbia. Does the gentleman have any objection to suggesting an amendment in line 18, page 3, after the word "corporate" to inserting the words "of the District of Columbia"?

Mr. GRAHAM of Pennsylvania. I have no objection to that.

Mr. GARRETT of Tennessee. Otherwise you are incorporating a corporation that has no situs.

Mr. GRAHAM of Pennsylvania. I think it is a perfectly legitimate amendment and we are willing to accept it.

Mr. GARRETT of Tennessee. The gentleman has control of the time.

Mr. GRAHAM of Pennsylvania. I shall make the amendment, or permit the gentleman to make it.

Mr. GARRETT of Tennessee. If the gentleman should yield he would lose the floor, and I suggest that he keep the floor and offer that amendment. I have another suggestion, if the gentleman will permit while he is kind enough to yield, in section 5 on page 5 there is a provision, "that no woman shall be a member of this corporation unless she served overseas for the allied cause." Now, that expression "allied cause" I do not think has any legal definition. In so far as the expression has been used in said papers, and in the laws which we have passed we have referred to the "allied and associated powers." I do not know just how to untangle it, but it strikes me there is something needed there. Officially, in so far as our own State papers are concerned, we were never an ally.

Mr. GRAHAM of Pennsylvania. That is true.

Mr. GARRETT of Tennessee. We were an associated power.

Mr. GRAHAM of Pennsylvania. And this is for the allied cause. Many of them went over before we were in the war and served there in the allied cause, and it is intended to make it broad and comprehensive enough; I do not think this suggestion is material like the other one the gentleman made which is material.

Mr. WATSON. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. I will.

Mr. WATSON. Is it the purpose of the association to permit members from all countries, or is it simply confined to American women?

Mr. GRAHAM of Pennsylvania. Only to American women.

Mr. WATSON. Those who went overseas, and women of other nations are not permitted to be members?

Mr. GRAHAM of Pennsylvania. No; this is purely an American organization of women of our country who served overseas.

Mr. HICKS. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Certainly to my colleague and Representative.

Mr. HICKS. Mr. Speaker, I note in the gallery some officers of the British warship now visiting Washington, and it seems to me that we should offer to them our felicitations and express to them our sincere feeling of regard and have them know that they are welcome guests of the American Congress. [Applause.]

Mr. GRAHAM of Pennsylvania. Now, Mr. Speaker——

Mr. FESS. Will the gentleman yield for a further inquiry?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. FESS. I notice in lines 23 and 24, page 2, the gentleman identifies one as being the city from which she comes and the other just the name of the State. Is not that unusual. That runs all through the bill.

Mr. GRAHAM of Pennsylvania. If the gentleman will pardon me, in the report from the committee there are a number of amendments designed to add the name of the State where it has been omitted, and I purpose to ask unanimous consent to present those amendments en bloc so they may be passed without voting on them seriatim. Now, I wish to say——

Mr. DALLINGER. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. I will.

Mr. DALLINGER. I wish to ask the gentleman from Pennsylvania if he thinks the name of a woman, Mrs., giving the name of the husband, is a legal name for a statute?

Mr. GRAHAM of Pennsylvania. Well, it is only a matter of identification. If she were to sign a deed, it would not be, but for identification in the matter of an incorporation I do not see any objection to it.

Mr. RAKER. Will the gentleman yield for just one question?

Mr. GRAHAM of Pennsylvania. Certainly.

Mr. RAKER. On August 22, 1919, this House passed an act unanimously incorporating the American Legion, did it not?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. RAKER. This gives to the women who went overseas the same right it gave to the men of the American Legion?

Mr. GRAHAM of Pennsylvania. It does.

Mr. RAKER. They ought to have the right, ought they not?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. DAVIS of Tennessee. What is there in this bill that confines the membership to American citizens or those who simply aided the American Army? Section 5 says:

> That no woman shall be a member of this corporation unless she served overseas for the allied cause in the Great War at some time during the period between August 1, 1914, and January 1, 1920, both dates inclusive.

It occurs to me that that would leave it open to citizens of any country who may have assisted in any of the allied powers.

Mr. GRAHAM of Pennsylvania. I do not think it would have that effect.

Mr. LINEBERGER. I note the dates between which these women shall have served in order to be eligible to this organization are August 1, 1914, to January 1, 1920. I assume, of course, that August 1 is intended for the date upon which the Great War, so called, began. Now, the armistice was signed on November 11, 1918. Why is it extended beyond that time? In the incorporation of the American Legion the term of service was from the time we entered the war, April 7, 1917, to November 11, 1918.

Mr. GRAHAM of Pennsylvania. You see that is a different question. The one regarding the Legion differs from the one brought up here.

Mr. LINEBERGER. The war ended on November 11, 1918.

Mr. GRAHAM of Pennsylvania. After the armistice was declared there were a number of these women in the service abroad, down to and including the date named here, January 1, 1920, and in order to include them that date was fixed.

Mr. LINEBERGER. Then you want to include all women who went in from November 11, 1918, to January 1, 1920?

Mr. GRAHAM of Pennsylvania. Some few went over after the armistice was declared in order to aid the wounded.

Mr. LINEBERGER. After the armistice, that was the allied cause.

Mr. GRAHAM of Pennsylvania. I think it would be practically the same as the allied cause was during the war. The cause will not die. It was simply made victorious; that is all.

Mr. LINEBERGER. It seems to me it should be amended to make it November 11, 1918.

Mr. GRAHAM of Pennsylvania. I hope the gentleman will not insist on that.

Mr. RAKER. Will the gentleman yield for a question right there?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. RAKER. Is it not a fact that even after the armistice, and during 1919, a great many women went overseas for the purpose of taking care of the wounded soldiers in the hospitals and engaged in other work during that time?

Mr. GRAHAM of Pennsylvania. That is quite true, and that is the reason for fixing this latter date. Now, I want to say to my colleagues that I wish they could have been present at a meeting held here in the city of Washington within 30 days, I think, past. There was a gathering of about 1,000 American citizens, women who had worked and wrought from patriotic motives in the service of their country. That meeting was addressed by Sir Auckland Geddes, the British ambassador; by Ambassador Jusserand, of France; and by General Pershing; and I wish you could have heard the words of praise and commendation that fell from their lips in addressing these women and expatiating upon the services which they rendered, which had created a debt of gratitude on the part of both these countries, and of our armies under Pershing, to these devoted women. I hope the House will permit the amendments that have been suggested and pass this bill quickly.

Mr. FESS. Will the gentleman yield further?

Mr. GRAHAM of Pennsylvania. Yes, sir.

Mr. FESS. I note that the date is about two and one-half years before we entered the war?

Mr. GRAHAM of Pennsylvania. Yes, sir. A great many of them went over then.

Mr. FESS. It includes the women that went over and served in the allied cause before we went in?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. FESS. In section 5, is it the gentleman's understanding that the term "no woman" is to be applied to American women, or will that include anybody from any country that served?

Mr. GRAHAM of Pennsylvania. It includes only those who served overseas that went from this country.

Mr. LAYTON. Would the gentleman have any objection to clearing up that point by incorporating in the bill the words "American Women's Overseas Service League"?

Mr. GRAHAM of Pennsylvania. That might make it so that it would not include women most deserving, who went over and served, but who would not be technically or legally American women, but women of this country.

Mr. GARRETT of Tennessee. Is the gentleman going to offer that amendment which I suggested?

Mr. GRAHAM of Pennsylvania. I ask unanimous consent, Mr. Speaker, to move that the amendments reported by the committee, adding the name of the State after each designated incorporator, may pass en bloc.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Committee amendments:

Page 1, line 5, after the word "Seattle," insert the word "Washington."

Page 1, line 6, after the word "Washington," insert the words "District of Columbia."

Page 1, line 7, after the word "Washington," insert the words "District of Columbia."

Page 1, line 10, at the beginning of the line, insert the word "Ohio." After the word "York," strike out the word "City."

Page 1, line 11, after the word "Minneapolis," insert the word "Minnesota."

Page 2, line 1, after the word "Chicago," insert the word "Illinois."

Page 2, line 2, after the word "Toledo," insert the word "Ohio."

Page 2, line 4, at the beginning of the line, insert the word "Minnesota." After the word "Toledo" insert the word "Ohio."

Page 2, line 8, after the word "Seattle," insert the word "Washington."

Page 2, line 9, after the word "Washington," insert the words "District of Columbia."

Page 2, line 10, after the word "Chicago," insert the word "Illinois."

Page 2, line 11, after the word "Seattle," insert the word "Washington."

Page 2, line 13, at the beginning of the line, insert the word "Minnesota." After the word "Seattle," insert the word "Washington."

Page 2, line 15, after the word "Seattle," insert the word "Washington."

Page 2, line 16, at the beginning of the line, insert the word "Illinois." After the word "Cincinnati," insert the word "Ohio."

Page 2, line 17, after the word "Minneapolis," insert the word "Minnesota."

Page 2, line 18, after the word "Minneapolis," insert the word "Minnesota."

Page 2, line 19, after the word "Cincinnati," insert the word "Ohio."

Page 2, line 20, after the word "Minneapolis," insert the word "Minnesota."

Page 2, line 23, after the word "Cincinnati," insert the word "Ohio." After the word "Atlanta," insert the word "Georgia."

Page 2, line 24, after the word "Boston," insert the word "Massachusetts."

Page 2, line 25, after the word "Toledo," insert the word "Ohio."

Page 3, line 3, at the beginning of the line, insert the word "Washington."

Page 3, line 4, after the word "Seattle," insert the word "Washington."
Page 3, line 5, at the beginning of the line, insert the word "Georgia." After the word "Cincinnati" insert the word "Ohio."
Page 3, line 6, after the word "Seattle," insert the word "Washington."
Page 3, line 7, after the word "Boston," insert the word "Massachusetts."
Page 3, line 8, after the word "Minneapolis," insert the word "Minnesota."
Page 3, line 9, after the word "Minneapolis," insert the word "Minnesota."
Page 3, line 10, after the word "Cincinnati," insert the word "Ohio."
Page 3, line 11, after the word "Seattle," insert the word "Washington."

The SPEAKER. The gentleman from Pennsylvania [Mr. GRAHAM] asks unanimous consent that these amendments be considered together. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I want to ask the gentleman from Pennsylvania a question. On page 1, line 10, is it not a little indefinite, "Miss Brown, of New York"? That is the only place that occurs.

Mr. GRAHAM of Pennsylvania. I can not furnish any substitute name to put in there. It was passed without discussion in committee.

Mr. RAKER. Of course "Brown" is a very common name, and they could pick it up at any place.

Mr. BUTLER. Let the women settle it. [Laughter.]

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. LINEBERGER. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LINEBERGER. I desire to know if amendments will be permitted to be offered from the floor other than those which are offered by the chairman of the committee?

The SPEAKER. Unless the previous question is ordered the gentleman can be recognized.

Mr. DALLINGER. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. DALLINGER. I want to ask a question. On page 3, lines 11 and 12, after enumerating the names of these incorporators, it says "and such persons as may be chosen." Chosen by whom?

Mr. GRAHAM of Pennsylvania. Chosen by the members.

Mr. BUTLER. Chosen by the association.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I yield to the gentleman from Tennessee [Mr. GARRETT] to offer an amendment.

Mr. GARRETT of Tennessee. Mr. Speaker, on page 3, line 18, after the word "corporate," I move to insert the words "of the District of Columbia."

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I accept that amendment, and make the motion that it be inserted.

The SPEAKER. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARRETT of Tennessee: Page 3, line 18, after the word "corporate" insert the words "of the District of Columbia."

Mr. HICKS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HICKS. From the fact that the gentleman from Pennsylvania [Mr. GRAHAM] has yielded to the gentleman from Tennessee [Mr. GARRETT] to offer an amendment, does not the gentleman from Pennsylvania now lose the floor?

Mr. GARRETT of Tennessee. Mr. Speaker, I do not care to take any time. The gentleman can take the floor back at once. I move the previous question on the amendment.

The SPEAKER. The gentleman from Tennessee moves the previous question on the amendment.

Mr. LINEBERGER. Mr. Speaker, I have some amendments that I wish to offer, and if I am not permitted to offer them I will make the point of no quorum.

The SPEAKER. That can be settled later. The gentleman from Tennessee moves the previous question on his amendment.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The amendment was agreed to.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I move to strike out section 12 of the bill.

The time has passed and the second meeting of the Women's Service League has been held in Washington within the past month, so that this section is without any object any longer.

The SPEAKER. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GRAHAM of Pennsylvania: Page 6, line 16, strike out all of section 12.

The amendment was agreed to.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, the gentleman from California [Mr. LINEBERGER] desires to offer some amendments, and I am perfectly willing that they may be offered, but I reserve the right to the floor.

The SPEAKER. If the gentleman yields to the gentleman from California to offer amendments, he can not retain the floor, but he can make an agreement with the gentleman from California.

Mr. DOWELL. The gentleman has already lost the floor by yielding for an amendment.

The SPEAKER. Certainly; but the Chair will recognize the gentleman again.

Mr. LINEBERGER. I will yield the floor back to the gentleman after offering this amendment which I desire to offer.

Mr. Speaker, on page 3, line 25, I move to strike out the words "January 1, 1920," and to substitute the words "November 11, 1918."

The SPEAKER. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LINEBERGER: Page 3, line 25, strike out "January 1, 1920," and insert in lieu thereof "November 11, 1918."

Mr. LINEBERGER. Mr. Speaker and gentlemen of the House, the object of this amendment is to preclude anyone belonging to this organization who did not serve overseas between August 1, 1914, and November 11, 1918, which was the date on which the armistice was signed. All service organizations which have been organized throughout the world for persons who served in the World War have fixed the date of November 11, 1918, the day upon which the armistice was signed, as the last date upon which eligibility would be granted. We have often had men who got into the Army one day or one hour after the expiration of that date who tried to get into the American Legion. This would not preclude any nurse or any woman who served at any time during the great World War from belonging to this organization, and, inasmuch as this is purely an organization formed of women who served in the World War——

Mr. BULWINKLE. Mr. Speaker, will the gentleman yield?

Mr. LINEBERGER. I yield to the gentleman from North Carolina.

Mr. BULWINKLE. I call the attention of the gentleman to the fact that the epidemic of the flu among the troops in Europe was after the armistice was signed, and that these women incurred great danger when they nursed the soldiers at that time.

Mr. LINEBERGER. I will say to the gentleman from North Carolina that perhaps what he says is true, but no doubt these ladies were all overseas prior to that time. I do not think the records will show that any of those nurses went overseas for service after November 11, 1918, but I think that all the ladies to whom he refers had rendered service prior to that time.

Mr. RAKER. Will the gentleman yield right there?

Mr. LINEBERGER. I yield to the gentleman from California.

Mr. RAKER. Does not the gentleman know that as a matter of fact there were a great many nurses, Salvation Army women, Y. W. C. A. women, Red Cross women, Jewish welfare women, and others, who left the United States and who performed heroic duty overseas after November 11, 1918, who were sent over there and performed duty and stayed all the next year?

Mr. LINEBERGER. That may be true. At the same time there were soldiers who went overseas after November 11, 1918, and who did good service on the Rhine, who are not eligible to membership in the American Legion.

Mr. RAKER. The American Legion fixed the date for membership in their organization. Why should not these overseas nurses, Salvation Army women, Y. W. C. A. women, Red Cross women, Jewish welfare women, and others, who are forming their organization be given the right to determine what date shall fix the status of the members belonging to that organization, instead of it being fixed by members of the American Legion?

Mr. WALSH. If the gentleman will yield, this does not consist of overseas nurses. These are a lot of society women for the most part. I do not say that with any intention of reflecting upon them. A lot of women of means have organized this association; women who went over there and assisted the nurses and conducted various other activities. This does not

include the nurses' organization at all. I think the gentleman from Pennsylvania [Mr. GRAHAM] will bear me out in that statement, that this is not for the purpose of organizing the nurses. It is for these other women who had no attachment to any other organization and who were not employed in any connection with the war, but who went over there voluntarily. For the most part they are women of some means.

Mr. GRAHAM of Pennsylvania. I will say in answer to the gentleman——

Mr. LINEBERGER. Mr. Speaker, I still have the floor and I desire to reply to the gentleman from California [Mr. RAKER]. I desire to say that this is establishing a precedent of extending the time beyond the armistice, and I think it is a poor precedent. Why not have it January 1, 1922, instead of January 1, 1920? We still have American nurses overseas attending the soldiers on the Rhine, and I quite agree with the gentleman from Massachusetts [Mr. WALSH] that this could hardly be called a nurses' organization. Most of the nurses are eligible to membership in the American Legion by virtue of having rendered military service in the Army or Navy Nurse Corps. They were a part of the Military and Naval Establishments. Certain Red Cross nurses might get into this organization who could not qualify for the American Legion, also certain Y. M. C. A. workers, I suppose.

Mr. RAKER. Will the gentleman yield for another question?

Mr. LINEBERGER. If the gentleman will make it brief.

Mr. RAKER. I will make it brief and to the point. Can anyone point to the name of any women who went overseas in regard to the war who went over there for any other purpose except to assist the Army?

Mr. LINEBERGER. I am sure the gentleman does not desire to instruct me about the services of the women. I was in a hospital once there for two months, and no one has a higher regard for the women of America and the service they rendered the soldiers than I have. But I think it is a poor precedent, and I think the bill ought to be amended so as to put in the date of November 11, 1918, so as to hold this date as a precedent in granting charters to World War patriotic organizations who may come to us in the future in matters of this kind.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I desire to answer the question of the gentleman from Massachusetts. The nurses were not specially included; they can join the Legion, as I am informed. They are also members of this organization. This organization includes a multitude besides. Now, as to the question of dates for service it is a totally different question than that raised in regard to the Army, for there no enlistments were made and no men were sent over the seas after the armistice. That was the finish for the soldiers, but there were women who went overseas after the armistice and served men in the hospitals and did much benevolent work on the other side. If you make this amendment you cut those people out of the opportunity to become members of this organization, and I think it would be a rank injustice to them.

The SPEAKER. The question is on the amendment offered by the gentleman from California [Mr. LINEBERGER].

The question was taken; and on a division (demanded by Mr. LINEBERGER) there were 15 ayes and 57 noes.

So the amendment was rejected.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, and was read the third time.

The SPEAKER. The question now is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. WALSH and Mr. GARRETT of Tennessee) there were 78 ayes and 13 noes.

So the bill was passed.

On motion of Mr. GRAHAM of Pennsylvania, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. VOLSTEAD. Mr. Speaker, I call up the bill H. R. 4800.

Mr. WALSH Mr. Speaker, I make the point of order that no quorum is present.

ADJOURNMENT.

Mr. VOLSTEAD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 51 minutes p. m.) the House adjourned until to-morrow, Friday, June 2, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

620. Under clause 2 of Rule XXIV, a letter from the Chairman of the Federal Trade Commission, transmitting a preliminary report of the Federal Trade Commission on investment and profit in soft-coal mining covering the period 1916 to 1921, inclusive, was taken from the Speaker's table and referred to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. KRAUS: Committee on Naval Affairs. H. R. 11340. A bill to advance Maj. Ralph S. Keyser on the lineal list of officers of the United States Marine Corps, so that he will take rank next after Maj. John R. Henley; without amendment (Rept. No. 1052). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. H. R. 4723. A bill for the relief of William M. Phillipson; without amendment (Rept. No. 1053). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. H. R. 397. A bill to remove the charge of desertion against the name of Frank George Bagshaw; with an amendment (Rept. No. 1054). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

The bill (H. R. 6411) granting a pension to Mace Williams; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

The bill (H. R. 11821) granting a pension to Dolly P. Beckner; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

The bill (H. R. 11583) granting a pension to George A. Wageck; Committee on Invalid Pensions discharged and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GENSMAN: A bill (H. R. 11842) for the prevention and removal of obstructions and burdens upon interstate commerce in grain by regulating transactions on grain future exchanges, and for other purposes; to the Committee on Agriculture.

By Mr. TINCHER: A bill (H. R. 11843) for the prevention and removal of obstructions and burdens upon interstate commerce in grain by regulating transactions on grain future exchanges, and for other purposes; to the Committee on Agriculture.

By Mr. MANSFIELD: A bill (H. R. 11844) authorizing the use of a special canceling stamp in the post office at Cuero, Tex.; to the Committee on the Post Office and Post Roads.

By Mr. BLAND of Indiana: Resolution (H. Res. 358) making House bill 11022 in order for consideration; to the Committee on Rules.

By Mr. WALTERS: Resolution (H. Res. 359) to provide for the services of a substitute telephone operator; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENHAM: A bill (H. R. 11845) granting an increase of pension to Nancy F. Ralston; to the Committee on Invalid Pensions.

By Mr. CHINDBLOM: A bill (H. R. 11846) for the relief of Theodore Kron; to the Committee on Claims.

Also, a bill (H. R. 11847) for the relief of Julius Laegeler; to the Committee on Claims.

Also, a bill (H. R. 11848) granting a pension to Harriet E. Blood Cantwell; to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 11849) granting a pension to Susan Kiley; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 11850) granting a pension to William Donnelly; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 11851) granting an increase of pension to Martha E. Leach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11852) granting an increase of pension to Susan R. Vititoe; to the Committee on Invalid Pensions.

By Mr. GALLIVAN: A bill (H. R. 11853) for the relief of John F. Cassidy; to the Committee on Claims.

By Mr. GLYNN: A bill (H. R. 11854) granting a pension to Hannah E. Cahey; to the Committee on Invalid Pensions.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 11855) for the relief of Jacob S. Steloff; to the Committee on Claims.

By Mr. GRIEST: A bill (H. R. 11856) granting an increase of pension to William McCloud; to the Committee on Invalid Pensions.

By Mr. KELLER: A bill (H. R. 11857) granting a pension to Elizabeth Walker; to the Committee on Pensions.

By Mr. KING: A bill (H. R. 11858) granting a pension to Carrie Howell; to the Committee on Invalid Pensions.

By Mr. LAYTON: A bill (H. R. 11859) granting a pension to Laura V. Bennett; to the Committee on Invalid Pensions.

By Mr. McPHERSON: A bill (H. R. 11860) granting a pension to Tabitha E. Isbell; to the Committee on Invalid Pensions.

By Mr. MILLSPAUGH: A bill (H. R. 11861) granting a pension to Catherine Crow; to the Committee on Invalid Pensions.

By Mr. MOORE of Virginia: A bill (H. R. 11862) granting a pension to Anna R. Little; to the Committee on Pensions.

By Mr. ROACH: A bill (H. R. 11863) for the relief of Chancey F. Bartholomew; to the Committee on War Claims.

By Mr. ROGERS: A bill (H. R. 11864) granting a pension to Sarah A. Byam; to the Committee on Pensions.

By Mr. SANDERS of Indiana: A bill (H. R. 11865) granting a pension to Mary E. Gates; to the Committee on Invalid Pensions.

By Mr. SHAW: A bill (H. R. 11866) providing for preliminary examination and survey to be made of the Illinois River, Ill., and its tributaries; to the Committee on Flood Control.

By Mr. TINKHAM: A bill (H. R. 11867) for the relief of Walter P. Crowley; to the Committee on Naval Affairs.

By Mr. UPSHAW: A bill (H. R. 11868) for the relief of the widow of John Curtis Staton; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5844. By Mr. BARBOUR: Petition of Grand Parlor, Native Sons of the Golden West, California, relative to Japanese immigration; to the Committee on Immigration and Naturalization.

5845. Also, petition of Grand Parlor, Native Sons of the Golden West, California, urging that all regulations permitting concessions to be granted for educational, religious, or charitable purposes, also include patriotic purposes; to the Committee on the Judiciary.

5846. Also, petition of the Tulare Fish and Game League, California, and the Tulare County Board of Trade, California, relative to the protection of game in the area which it is proposed to eliminate from the Sequoia National Park; to the Committee on Agriculture.

5847. Also, petition of residents of El Nido, Merced County, Calif., protesting against House bills 9753 and 4388 or Senate bill 1948, the so-called Sunday laws; to the Committee on the District of Columbia.

5848. By Mr. BECK: Petition of Mr. William F. Diven and others, of the town of Pine Valley, Clark County, Wis., urging legislation to protect the farmers against filled milk and butter frauds; to the Committee on Ways and Means.

5849. Also, petition of Mr. H. R. Burgdorff, of Oxford, Wis., and others, favoring legislation for the prohibition of the manufacture and sale of filled milk or any other substitute for milk or butter; to the Committee on Ways and Means.

5850. By Mr. CURRY: Petition of Grand Parlor, Native Sons of the Golden West, at its forty-fifth session, held at Oakland, Calif., April 17–21, 1922, advocating exclusion of Asiatic immigration; to the Committee on Immigration and Naturalization.

5851. By Mr. FRENCH: Petition of sundry citizens of the State of Idaho, protesting against the enactment of House bill 9753, and other Sunday bills; to the Committee on the District of Columbia.

5852. By Mr. KISSEL: Petition of International Motor Co., New York City, N. Y., regarding tariff on graphite; to the Committee on Ways and Means.

5853. Also, petition of E. Clemons Horst Co., San Francisco, Calif., regarding foreign trade and finance; to the Committee on Interstate and Foreign Commerce.

5854. By Mr. RAKER: Petition of C. C. Thomas Post, No. 244, Navy Post of the American Legion, San Francisco, Calif., urging support of the Secretary of the Navy's recommendation that $1,000,000 be appropriated to provide for the Naval Reserve Force; to the Committee on Appropriations.

5855. Also, petition of G. R. Milford, of Redding, Calif., indorsing House bill 5823, known as the public shooting ground and game refuge bill; to the Committee on Agriculture.

5856. Also, petition of Mrs. Helen Hatch, master counselor, and others, of Los Angeles Council of Sadol, International Magian Society, urging immediate action by Congress in behalf of Armenia; to the Committee on Foreign Affairs.

5857. Also, petition of Viall & Co., of Los Angeles, Calif., protesting against paragraph 1116 of House bill 7456; to the Committee on Ways and Means.

5858. By Mr. ROGERS: Evidence in support of House bill 11864, granting a pension to Sarah A. Byam; to the Committee on Pensions.

5859. By Mr. ROUSE: Petition of 17 citizens of Grant County, Ky., protesting against the schedule of freight rates issued for live stock in the territory south of the Ohio River effective June 1, 1922; to the Committee on Interstate and Foreign Commerce.

5860. By Mr. SANDERS of New York: Petition of Belus Calkins, jr., Kate Zehler, Mary A. Reiber, and Daniel W. Bump, of Varysburg, N. Y., urging the passage of the so-called Bursum-Morgan bill increasing pensions to Civil War pensioners; to the Committee on Invalid Pensions.

5861. By Mr. SNELL: Petition of Saranac Chapter, Daughters of the American Revolution, favoring the passage of the Sterling-Towner education bill; to the Committee on Education.

5862. By Mr. SUMMERS of Washington: Petition of numerous voters of College Place, Wash., protesting against the passage of House bills 4388 and 9753 and Senate bill 1948; to the Committee on the District of Columbia.

5863. By Mr. TINKHAM: Petition of Columbus Republican Club of Massachusetts, Revere, Mass., favoring the modification of the naturalization laws; to the Committee on Immigration and Naturalization.

5864. Also, petition of Boston Central Labor Union, favoring an amendment to the Constitution of the United States giving Congress the power to enact legislation to make uniform child-labor laws in the United States; to the Committee on Labor.

5865. By Mr. TOWNER: Petition of F. H. Gray, of Wiscasset, Me., and 18 other citizens of Maine, all employees of the Maine Central Railroad Co., urging the passage of the Towner-Sterling educational bill; to the Committee on Education.

5866. Also, petition of Mr. H. C. Johnson and 37 other citizens of Osnabrock, N. Dak., asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

5867. Also, petition of Mr. Emil Spiellinger, of Louisville, Ky., and 14 other citizens of the State of Kentucky, asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

SENATE.

FRIDAY, *June 2, 1922.*

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

WAR DEPARTMENT APPROPRIATIONS.

Mr. McCUMBER. Mr. President, the 30th day of June will soon arrive, and new appropriation bills, of course, will have to go into effect by the 1st day of July. It is quite apparent that we shall have to yield from time to time in the tariff discussion for the purpose of taking up the several appropriation bills. So I am going to move that the tariff bill be temporarily laid aside for the consideration of the Army appropriation bill.

The PRESIDENT pro tempore. Is there objection?

Mr. ROBINSON. Mr. President, I suggest to the Senator from North Dakota that he ask unanimous consent that the pending tariff bill be laid aside, and that the Army appropriation bill be taken up.

Mr. McCUMBER. Very well; I ask unanimous consent.

Mr. ROBINSON. I have no objection to that course, but I think there ought to be a quorum present, and I therefore suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.